SENATE—*Monday, July 31, 1995*

(Legislative day of Monday, July 10, 1995)

The Senate met at 12:30 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Let us pray:

As we begin this day we grieve the death of our fellow worker and friend, Gerald Hackett, who served as executive clerk for 29 of his 33 years with the Senate. We pray for a special measure of God's comfort for his wife, Mary Ellen, and his family.

Dear God, our Creator, sustainer, and strength, You have given us the gift of life, blessed us with this new week, and given us work to do for Your glory. May three words—admit, submit, and commit—be the equation of excellence in our work today.

Father, we admit our need of Your insight and inspiration. You never intended that we should depend only on our own intellect and understanding. We humbly place our total dependence on Your power to maximize the use of the talents You have entrusted to us.

Sovereign of our lives, we submit to You the specific challenges and opportunities before us. We accept Your absolute reign and rule in our minds. Guide us Lord. Thank You for the peace of mind we have when we submit our needs to You.

Source of our courage, we unreservedly commit to You our lives and the decisions to be made today. We relinquish our control and intentionally ask You to take charge. Think and speak through us.

Thank You Lord, our eternal King;
these bold petitions we bring.
Your grace and mercy are such,
we never can ask too much.

Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. THOMAS). The majority leader is recognized.

SCHEDULE

Mr. DOLE. I thank the President pro tempore. Let me explain to my colleagues, leaders' time has been reserved, and there will be a period for morning business until 1:30 p.m. At 1:30 p.m, we will begin consideration of H.R. 1905, the energy and water appropriations bill, for opening statements until 2 p.m. today.

It may be possible, unless there is an objection, to proceed on that for a little bit beyond 2 p.m, depending on whether or not we are prepared or ready to resume consideration of S. 908, the State Department reorganization bill.

Cloture was filed on that bill on Friday. A cloture vote will occur tomorrow. I think perhaps it will be tomorrow morning sometime prior to the policy luncheon of both sides of the aisle.

First-degree amendments must be filed by 1 p.m. in order to qualify under the postcloture. There will be no votes today before 6 p.m. There could be votes depending on what happens with S. 908. There will be no votes on anything with reference to H.R. 1905.

NATIONAL GOVERNORS' ASSOCIATION AND WELFARE REFORM

Mr. DOLE. Mr. President, let me take a minute or two of leader time to say I have just returned from Burlington, VT, where I was privileged to attend the National Governors' Association meeting and talk about welfare reform.

I outlined what I felt could be an agreed-upon package on the Republican side, pointing out there were still some differences among some Republicans. We explained our program in detail to the Republican Governors. There are now 30 Republican Governors out of 50. The 30 Republican Governors represent about 70 percent of the American people in the United States; or 70 percent live in those 30 States.

I wanted to report that of the 30 Republican Governors, 26 were present. Governor Wilson of California was not present, Governor James of Alabama was not present, Governor Racicot of Montana and the Governor of South Dakota were not present, and one Governor had to depart the meeting early, Governor Weld of Massachusetts. The other 25 Governors, Governor Leavitt of Utah, Governor Engler of Michigan, Governor Whitman of New Jersey, Governor Allen of Virginia, Governor Rowland of Connecticut, Governor Fordice of Mississippi, Governor Voinovich of Ohio, Governor Bush of Texas, Governor Geringer of Wyoming, Governor Keating of Oklahoma, Governor Almond of Rhode Island, Governor Schafer of North Dakota, Governor Graves of Kansas, Governor Sundquist of Tennessee, Governor Thompson of Wisconsin, Governor Symington of Arizona, Governor Pataki of New York, Governor Branstad of Iowa, Governor Merrill of New Hampshire, Governor Edgar of Illinois, Governor Beasley of South Carolina, Governor Carlson of Minnesota, Governor Johnson of New Mexico, Governor Ridge of Pennsylvania, Governor Batt of Idaho, all endorse the Republican alternative.

I just passed around a little sheet of paper. They all signed it after we had gone over it. I am certain the other five Republican Governors will also endorse what we think would be a strong Republican package. They like it. It returns power to the Governors, power to the States, and does not contain a lot of strings. In their view, whether liberal or conservative strings, they are still strings.

We know there may be some areas where we may not be able to accommodate the Governors. By and large, they are looking forward to designing their own plan when it comes to welfare. We also have a provision where you can opt out of the Food Stamp Program. What the Governors would like, of course, is more block grants. We are not able to do that because we do not have the votes.

I asked the Democratic Governors, when I spoke to the full session of the National Governors' Association at 9:45, to take a look at this proposal. We believe it can be approached on a nonpartisan, bipartisan basis. It is what the Governors have been telling us for years, in both parties, that they wanted—more power to the Governors, power to the States, power to the people.

This is all sort of patterned after the 10th amendment to the Constitution, which is part of the Bill of Rights. It is only 28 words in length, which says, in effect, that unless the power is vested in the Federal Government, it ought to be with the people and with the States.

Most Governors, regardless of party, believe that should happen, whether it is welfare reform, whether it is Medicaid, whatever it is. They believe they can better implement and rate the programs at less cost, less redtape, less bureaucracy, and provide better service to the people who must rely on Medicaid, food stamps, welfare, and AFDC—whatever the welfare program might be.

I was very encouraged after the meeting with the Republican Governors. They know there are some differences on the Republican side. They will be weighing in very heavily on the

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

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proposal this week. We hope to take it up either Friday or Saturday of this week and finish it sometime next week or the following week. I hope that before we conclude, we will have broad bipartisan support.

PRAISE FOR GIFT BAN

Mr. DOLE. Mr. President, on another matter, I want to again thank my colleagues, Senator LOTT and Senator MCCONNELL, as well as Senator LEVIN, Senator WELLSTONE, Senator FEINGOLD, and many others on both sides of the aisle who worked together on the gift ban proposal.

As I said on the floor on Friday, I think we made a lot of progress. I read the editorial in the New York Times which indicated many fought it to the bitter end, which was not true. Editorial writers are entitled to their opinion, but they are not entitled to lie. If they had followed the debate, they would have known there was a lot of work going on all week long, in good faith, by Democrats and Republicans, by the leader, by the Democratic leader.

What we finally did was say, "OK, we agree on this. We cannot agree on three things. We will agree on what we agree on and vote on what we cannot agree on." That is precisely what we did.

So, to the editor, whoever wrote that in the New York Times—I do not normally read it, but Sunday was a slow day—I hope that they will try to at least stick with the facts, maybe once a year, twice a year. We do not want to overdo it for the New York Times, but every little bit would help. They are entitled to facts, they are entitled to opinions, but understand what the facts are. And it is supposed to be the paper of "all the news that is fit to print"—some say a 10th, but I say all the news fit to print. We hope for more responsibility from the editorial board of the New York Times.

The primary purpose was to thank my colleagues for all the work they did and the good-faith effort. I think we made a giant step forward, and, hopefully, we will ease the concerns of many of our constituents when it comes to Members of Congress and gift rules.

Also, lobbying reform was another bipartisan effort on the floor. I thank my colleagues who were engaged in that.

RESERVATION OF LEADER TIME

Mr. DOLE. Mr. President, I reserve the remainder of my leader's time.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. KYL). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1:30 p.m., with Senators permitted to speak up to 5 minutes each.

Under the previous order, the Senator from Illinois [Mr. SIMON] is recognized to speak for up to 30 minutes.

The Senator from Illinois.

THE EXPLOSIVE GROWTH OF GAMBLING IN THE UNITED STATES

Mr. SIMON. Mr. President, in November of last year, when I announced I would retire from the Senate after 1996, President Clinton suggested that with the freedom from political restraint I now have, and with slightly more credibility because political opportunism would not be the immediate cry of critics, I should, from time to time, make observations about our Nation, where we are going, and where we should go.

One of the marks of our civilization, virtually unnoticed as we discuss the Nation's problems, is our fastest-growing industry: gambling.

Local governments, Indian tribes, and States—all desperate for revenue—increasingly are turning to what appears to be a quick and easy solution: legalized gambling. And, temporarily, it often works. Poverty-stricken Indian tribes suddenly have revenue. Cities like East St. Louis, IL, with every possible urban malady, find themselves with enough revenue to at least take care of minimal services.

There are four basic questions:

First, how rapidly is this phenomenon growing?

Second, what are its advantages?

Third, what are its disadvantages?

Fourth, is there a role for the Federal Government to play, and should it play a role?

Gambling is not a new phenomenon. The Bible and early historical records tell of its existence. Gambling surfaced early in U.S. history, then largely disappeared as a legal form of revenue for State and local governments. It remained very much alive, however, even though illegal, in the back rooms of taverns and in not-so-hidden halls, often with payoffs to public officials to "look the other way" while it continued. I particularly remember traveling overseas and back while in the U.S. Army. The troop ship became one huge gambling operation with dice or cards, activity slowed only by the occasional walking tour of a conscientious officer whose coming would be foretold by someone taking the voluntary watch for his fellow enlisted men—and they were then all men—who gambled. After the watchman's signal, suddenly that portion of the ship's deck or hold could meet the highest puritanical standards. Within seconds of the disappearance of the dreaded officer, the games would begin again. Participation had no appeal to me, not primarily for moral reasons, but I have always been too conservative with my money to enjoy risking it that way. What I remember about those shipboard activities was the enormity of the stakes that could be built up—enormous for enlisted men on meager salaries in 1951-1953—and the ability of some of my friends to continue their activity with almost no sleep.

Gambling's appeal, particularly for the idle—and a troop ship is loaded with them—is clear.

Early in our Nation's history, almost all States had some form of lottery, my State of Illinois being no exception. When Abraham Lincoln served in our State legislature from 1834 to 1842, lotteries were authorized, and there apparently was no moral question raised about having them. In 1839, for example, the Illinois House of Representatives voted unanimously to authorize a lottery to raise funds "for the purpose of draining the ponds of the American bottom" in the vicinity of what is now East St. Louis, an area that to this day has a severe drainage problem, and a city that today has a significant gambling presence.

In Illinois and other States the loose money quickly led to corruption, and the States banned all forms of gambling. Illinois leaders felt so strongly about it, they put the ban into the State constitution. For many years, Louisiana had the only lottery, and then in 1893—after a major scandal there—the Federal Government prohibited all lottery sales. Even the results of tolerated but illegal lotteries could not be sent through the mail.

But the lottery crept back in, first in New Hampshire in 1963, and then in 36 other States. Last year, States sold $34 billion in lottery tickets. Forty-two States now have some form of legalized gambling. Even States that technically outlaw gambling frequently manage to have some form of it. In one of the more peculiar decisions by Illinois Supreme Court justices—dependent for reelection at that time on campaign contributions—they ruled that betting money on horses was not gambling, because the ability of the horse and the skill of the rider were involved. Gambling is when everything is left to chance, they argued.

What we know as casino gambling was legal only in Nevada, then in New Jersey and now in 23 States. From a small enterprise in a few States, gambling has matured. In 1974, $17 billion was legally wagered in the Nation. By 1992, it reached $329 billion, and it is now over $500 billion. Three-fourths of the Nation's citizens now live within 300 miles of a casino. One article reports, "Airlines are exploring the installation of back-of-seat slot machines on some flights." ["A Full House," by Rob Day, Hemisphere, October, 1994.] Other nations—particularly poorer ones—are expanding gambling operations. Within our country,

the magazine Gaming and Wagering Business reports, "Old attitudes have been shattered. Barriers are crumbling, and doors have been flung open." [Dec. 15, 1991–Jan. 15, 1992.]

At this point, let me digress to express my gratitude to scholars who have studied legalized gambling in the United States, with little attention and little gratitude from the community at large. Particularly helpful, as I prepared these remarks, was a book manuscript I had the opportunity to read by Robert Goodman, a professor at Hampshire College in Massachusetts. In October, the Free Press will publish his thoughtful and well-crafted manuscript under the title, "The Luck Business." The subtitle is "The Devastating Consequences and False Promises of America's Gambling Explosion." John Warren Kindt, a professor at the University of Illinois at Urbana, wrote an excellent article for the Drake Law Review last year, "The Economic Impacts of Legalized Gambling Activities," and Henry Lesieur, who heads the criminal justice division at Illinois State University, edits a magazine in this field, Journal of Gambling Studies. I am grateful to them and to others who have pioneered research.

What are the advantages of legalized gambling?

It brings in new revenue, at least temporarily and, in some cases, over a longer period of time.

One of the great weaknesses of American politics today—and one of the reasons for public cynicism toward those of us in politics—is our eagerness to tell people only what they want to hear. Polling is a huge business, and if a poll suggests some stand is unpopular, too many find a convenient way of changing course, even if the public good is served by the unpopular action.

An area of high sensitivity is taxation. That problem is compounded by the fact that at the national level no other industrial nation—with the exception of Israel—spends as much of its taxation on defense and interest as does the United States. These bring no direct benefit to people. Citizens of Germany, France, Great Britain, and other nations pay much higher taxes, but they see health care and other benefits that we do not have. In addition, their parliamentary systems make it easier to make tough decisions than our system does.

So when someone comes along and says, "I have a simple way to get more revenue for you, and you do not have to raise anyone's taxes," that has great appeal to policymakers who must seek reelection. Those same people say to the policymakers, "Not only will I provide revenue for you without taxation, I will be very generous to you when campaign time comes." And they are.

While the promises of what legalized gambling will do for a community or State almost always are greatly exaggerated, it is also true that many communities who are desperate for revenue and feel they have no alternative are helped. I have already mentioned East St. Louis, IL, Bridgeport, CT, is another example. Small communities like Metropolis, IL, population 6,734, find that a riverboat casino brings in significant additional municipal revenue. And while other businesses in these communities often do not benefit—and some, like restaurants, are hurt—a poll by the Better Government Association, a highly respected Illinois civic group, shows that in some communities, the initial reaction to the riverboat casinos is more positive than negative: Rock Island/Moline, 83 percent positive, though this has changed; Metropolis, 76 percent positive; East St. Louis, 47 percent positive; and Peoria, 64 percent positive.

Some officials in Chicago, desperate for revenue, wish to bring in a large casino operation with a $2 billion price tag. They say it will bring 10,000 construction jobs. That alone is significant. The initial press release said 37,000 construction jobs. And officials in Chicago, aware there are long-term dangers to the city from such an operation, also know that unless they solve short-term problems—and that takes revenue—the long-term picture for the city is not good. The State government has shown itself largely insensitive to the needs of the city, dominated as it is by suburban and rural leaders. Faced with a choice of lectures from the State about long-term problems and what appears to be easy, significant, immediate revenue, it is not difficult to understand Chicago's choice. On top of that, they face editorial prodding. Under a heading, "Casino A Great Bet For City," the Chicago Sun-Times called a casino "a cash cow" and noted: "The sooner state law changes to allow land-based casino gambling, the better. And the sooner Chicago finally gets in on the action, the better." [April 17, 1995.] Almost unnoticed has been the report of the Chicago Crime Commission in response to a request by the Mayor: "Organized crime will infiltrate casino operations and unions, and will be involved in related loan-sharking, prostitution, drug activities * * * and public corruption." [Chicago Crime Commission, 1990.]

State governments are no more loaded with courageous leaders than is the Federal Government. They need revenue to solve their problems. In Illinois, for example, State support for public higher education has dropped from 70 percent of these costs in 1980, to 37 percent today, almost a 50-percent cut. [Here, I digress to observe that States have been partially bailed out by Federal aid to students. We hear a great deal from States about unfunded mandates. We hear much less from States about sizable grants from the Federal Government.] Faced with needs in education at all levels, with growing health care costs that afflict both Federal and State governments, and with decaying cities and decaying infrastructure, the States have two options: Tell people the truth and ask for the taxes to pay for these needs, or combine the growing practice of issuing bonds, States don't call them deficits and find some "easy" source of revenue, like legalized gambling. The courageous path is too infrequently taken.

Revenue from lotteries, race horse gambling, and riverboat casinos brings Illinois government approximately $820 million a year. That is State government revenue alone. I have made no attempt to calculate what revenue is lost because of money not being spent in other enterprises in the State. Most of those who wager in Illinois are from Illinois. When they spend on gambling, that is money that would otherwise go to clothing stores, groceries, and other businesses. That means less revenue to the State from those businesses. Also not calculated in the $820 million State revenue is the loss caused by the increased problem of gambling addiction.

Early promises to use Illinois lottery money for education have been technically complied with, but State support for education has declined substantially as a percentage of income for local schools since the lottery became a reality.

Wisconsin, not a big gambling State, has 17 native American casinos. A study completed in April concluded: "Overall, the state gains $326 million in net revenue from the presence of the casinos." They added this caution: "However, this figure is reduced substantially—to $166.25 million—when even the lowest estimated social costs of compulsive gambling are included in the calculations. With mid-range estimated social costs, the overall impact becomes negligible, while with higher social-cost estimates, the impact becomes clearly negative." [The Economic Impact of Native American Gaming in Wisconsin, by William Thompson, Ricardo Gazel and Dan Rickman, published by the Wisconsin Policy Research Institute.]

Indian reservations have misery as their constant companion. Unemployment rates, alcoholism rates, suicide rates, and poverty indexes all combine to paint a grim picture that should be a matter of shame for our Nation. Not only has the Federal Government been weak in its response to these needs, but State governments, sometimes dominated by prejudice against native Americans, often have been even worse. Listen to this Department of Health and Human Services report, given to a Senate committee this year: "In 15 of the 24 states with the largest native American populations, eligible Tribes received nothing in 1993 from the more than $3 billion in Federal funds [Title XX and Title IV-E child welfare services and protection programs] the

States received. In the other nine States, Indians received less than three percent." [George Grob, Deputy Inspector General, HHS, April 5, 1995, Senate Committee on Indian Affairs.]

It should not surprise anyone that tribal leaders who want to produce for their people seize what some view as a legal loophole that our courts and laws have created to get revenue for their citizens; 115 tribes now have some form of casino gambling. The gross revenue for the 17 tribes in Wisconsin is $655 million. And about one-fifth of that revenue comes from people who live outside of Wisconsin, higher than in most States, much lower than Nevada or Atlantic City. Connecticut is the prime example of a small tribe gaining big money. A casino operated by the Manshantucket Pequot Tribe in Ledyard, CT, brings in approximately $800 million in gross revenue annually. Native American leaders who see long-term harm to their tribes from the gambling enterprises are hard-pressed by those who see immediate benefits, and not too much hope for sizable revenue outside of gambling.

What are the disadvantages of legalized gambling?

The distinguished Nobel Prize-winning economist, Paul Samuelson, has warned us: "There is a substantial economic case to be made against gambling. It involves simply sterile transfers of money or goods between individuals, creating no new money or goods. Although it creates no output, gambling does nevertheless absorb time and resources. When pursued beyond the limits of recreation * * * gambling subtracts from the national income." [Economics, McGraw-Hill, 1970.]

A high official in Nevada told me, "If we could get rid of gambling in our State, it would be the best thing that could happen to us. I cannot say that publicly for political reasons. But major corporations that might locate their principle offices here or build plants here don't do it. They know that gambling brings with it serious personnel problems."

Personnel problems are but one disadvantage, but they are real. People can become addicted to gambling, as they can to drugs or alcohol or smoking.

My mother belongs to a church in Collinsville, IL, that had a fine substitute teacher at its Lutheran school. Unknown to the teacher's family, she had been visiting a gambling boat. Money the family thought had gone to pay the rent and family bills had, instead, gone into wagers. One day, she left a message for her family, drove her car to a shopping center and killed herself.

In a relatively affluent Chicago suburb, a 41-year-old man committed suicide after using more than $11,000 in credit card advances for gambling. He shot himself after leaving a gambling boat. Police found $13 in his pocket.

More typical is the experience of a friend, a professional man, who attended a statewide meeting of an association with which he is affiliated. While he went to the meetings, his wife went to a riverboat casino and "got hooked." She spent all the money she had and used all the available money from her credit cards, close to $20,000. Her husband knew nothing about it until he checked out of the hotel and found his credit cards could not be used because they had already reached their maximum. In this family, the situation has worked out, but that is not true for many.

A retired Air Force colonel has written me about the problem of casino gambling near Keesler Air Force Base that offers part-time work to personnel stationed there, but also 24-hour-a-day gambling availability and has brought serious problems of addiction and the social and criminal problems that go with it for the men and women stationed there.

Gambling addiction is a serious problem. We know that men are more likely to become addicted than women, that the appeal of gambling is greater for low-income people than those of above average income, that there are approximately 9 million adults and 1.3 million teenagers with some form of gambling behavior problem and that the availability of gambling enterprises—their closeness to where a person lives—causes a significant increase in the addiction problem. Nationally, less than 1 percent 0.77 percent of the population are compulsive gamblers, but when enterprises are located near a population, that number increases two to seven times.

The greatest growth is among teenagers. University of Maryland football fans were stunned recently to read that their all-American quarterback had been suspended by the NCAA for four games because of betting on college games. The spread of gambling among teenagers has spilled over onto college campuses, and Maryland's football problem is evidencing itself on many campuses, a highly publicized tip of a much more serious iceberg.

Costs to society of the problem gambler vary from the most conservative estimate of $13,200 to $30,000 per year. I have no idea which figure may be correct, but we know there are costs. Arnold Wexler and his wife, Sheila Wexler, did a study for Rutgers University and noted:

> Compulsive gamblers will bet until nothing is left: savings, family assets, personal belongings—anything of value that may be pawned, sold or borrowed against. They will borrow from co-workers, credit union, family and friends, but will rarely admit it is for gambling. They may take personal loans, write bad checks and ultimately reach and pass the point of bankruptcy. . . . In desperation, compulsive gamblers may panic and often will turn to illegal activities to support their addiction. (1992)

Prosecuting attorney Jeffrey Bloomberg of Lawrence County, SD, testified before a U.S. House committee on his experiences dealing with Deadwood, SD, a small community that became the first place outside of Atlantic City and Nevada to legalize casino gambling. He said they were promised "economic development, new jobs and lower taxes." Instead, casinos flourished, but other businesses did not. Businesses that provide "the necessities of life such as clothing are no longer available * * * and customers of the town's only remaining grocery store walk a gauntlet of slot-machines as they exit with their purchases. For the most part, the jobs which were created earn minimum wage or slightly better and are without benefits. As for the claim that gambling brings tax relief, this simply has not proven true. Real property taxes for both residential and commercial properties have risen each and every year since gambling was legalized. Crimes of theft, embezzlement, bad checks and other forms of larceny have increased. Our office has also seen an increase in the number of child abuse and neglect cases as a result of gambling. These run the spectrum from the children left in their cars all night while their parents gamble, to the children left at home alone while their parents gamble, to the children left at home alone while single mothers work the casino late shift, to the household without utilities or groceries because one or both parents have blown their paycheck gambling. Government is hooked on the money generated by gambling and in the long term the ramifications of this governmental addiction will be just as dire as for the individual who becomes addicted to gambling." (Sept. 21, 1994—House Committee on Small Business.)

One study conducted for insurance companies suggests that 40 percent of white collar crime can be traced to gambling. Usually those involved have no prior criminal record.

The suicide rates for problem gamblers is significantly higher than it is for the general population. One out of five attempt suicide, a higher rate than for alcoholism or drug addiction.

Pathological gamblers are much more likely to be violent with their spouses and abuse their children. Children of these gamblers generally do worse in school and have a suicide rate twice that of their classmates.

A survey of compulsive gamblers found 22 percent divorced because of gambling, 40 percent had lost or quit a job due to gambling, 49 percent stole from work to pay gambling debts, 23 percent alcoholic, 26 percent compulsive overeaters, 63 percent had contemplated suicide and 79 percent said they wanted to die. (Henry Lesieur and Christopher Anderson.)

Treatment for gambling compulsion is rarely covered by health insurance

policies, though physicians often will simply list depression as the cause for needed therapy, and that may be covered. A national conference will be held in Puerto Rico in September to discuss the growing problem of gambling addiction.

State lotteries disproportionately receive money from—and target—the poor. While it is true that the purchases are voluntary and provide some entertainment, as a society we should be providing more substantial exits from poverty than the rare lottery victory. A bill before the Illinois legislature sponsored by Representative Jack Kubik to prohibit cashing welfare checks at race tracks, off-track betting parlors, and riverboat casinos died a quiet death.

Compounding all of this, State and local governments who receive revenue from legalized gambling often are its promoters, both to bring gambling in and to sustain it. Governments get hooked. While States receive revenue from alcohol and tobacco sales, no governmental unit—to my knowledge—promotes alcohol and tobacco. Generally governments appeal to our strengths, not our weaknesses. But gambling is different. Billboards are erected in poor areas to promote the Illinois Lottery. "This could be your ticket out," one proclaimed. If the State of Illinois had billboards promoting whiskey, beer or cigarettes, there would be a public outcry. The Pennsylvania lottery unashamedly advertises: "Don't forget to play every day." And of course the poor are the ones who succumb to that lure.

Industries that want to bring in casinos are generous with their promises. The poverty of Atlantic City would be virtually eliminated, the scenario read, but it did not happen. Poverty has not diminished, and problems with gambling addiction are up. Since the advent of the casinos, 40 percent of the restaurants not associated with the gambling enterprises have closed, and one-third of the city's retail business has closed. Unemployment in Atlantic City is now the State's highest. Crime is up significantly—almost tripled—and the population has dropped by one-fourth. Industrial consultant Nelson Rose told U.S. News and World Report: "Atlantic City used to be a slum by the sea. Now it's a slum by the sea with casinos." (March 14, 1994.)

But not only Atlantic City has been affected. A study of crime patterns along non-toll roads between Atlantic City and New York City and Atlantic City and Philadelphia found a significant increase in crime rates (SIMON Hakim and Joseph Friedman.)

The Better Government Association of Illinois survey of 324 businesses in towns with riverboat casinos found that 51 percent of the firms said riverboats had either no effect or a negative effect on their business. Of the 44 percent who gave a positive response, half said the lift their businesses got was minimal. Three percent said their business has been "helped a lot." (1994 survey.) A Chicago Tribune survey found a similar result. An Aurora, IL riverboat casino gets all but 1 to 2 percent of its business from within the State, and the Tribune reported:

"The casino is killing the small businesses in this area, and they claimed it would help us," said Mario Marrero, former owner of the Porto Coeli Cafe and Bakery, a block from the casino.

As soon as the casino opened a year ago, Marrero saw his business drop by half, from about $4,000 a month to $2,000 a month, he said.

In May, he was forced to close after nearly five years in business. (June 28, 1994.)

Gambling's effect on government is more than income from gamblers and expenditures for dealing with problem gamblers and increased crime. Gambling operators are major contributors to campaigns—in the millions—and employ expensive lobbyists at both the State and Federal level. A few gambling enterprises have formed the American Gaming Association and employed a former chairman of the Republican National Committee as its chief executive. Gaming is an influence to be reckoned with in dozens of State capitals, and its influence will grow markedly in Washington. In Illinois, the lobbyists for gambling include a former Governor, a former attorney general, two former U.S. attorneys, a former director of the State police, a prominent former judge, a former mayor of Chicago and at least seven former State legislators. All of this is legal.

But gambling in Illinois has also been associated with the illegal. Back in 1964, as a State legislator, I co-authored an article for Harper's magazine titled, "The Illinois Legislature: A Study in Corruption." It did not enhance my popularity in that body, but it did some good, and I am pleased to report that today the Illinois Legislature—in ethics, and in quality—is a much improved body over that period. But whenever there is easy money floating around, the temptation for corruption is present. We have had two Governors in our State's history go to prison, one because of payoffs from legalized gambling. I recall particularly the deal worked out in which—on the same day—the sales tax in our State was increased from 2 cents to 3 cents, which then included food and medicine, and the tax on two politically well-connected racetracks was reduced by one-third. Every State legislator knew what was going on.

Organized crime has frequently been a problem with gambling, whether legal or illegal. Big money attracts them. And it is big money.

Last year, one riverboat casino in Illinois netted—not grossed—$203 million. The Chicago Tribune (March 28, 1995) reported that two politically well-connected Illinois men were offered $20 million if they landed a casino in our State for a Nevada firm. When contacted by the Tribune, they said they had other offers that were higher.

The gambling elite are not only generous employers of lobbyists, they are multimillion dollar donors to political campaigns, and the combination makes them politically potent. The unsavory and unhealthy influence of lobbyists and legislators as a protector of this rapidly growing industry means sensible restraint will not be easily achieved.

But there is another side to that story. Public opinion is not with the gambling gentry. Even after well-financed campaigns, when there are referenda on whether legalized gambling should be expanded in a State or community, rarely do those initiatives win. Every referendum on a gambling casino held last year lost, and in the big one, Florida, it lost decisively. Donald Trump may have helped when he told the Miami Herald a few weeks before the referendum: "As someone who lives in Palm Beach, I'd prefer not to see casinos in Florida. But as someone in the gambling business, I'm going to be the first one to open if Floridians vote for them." Florida Commerce Secretary Charles Dusseau did an economic analysis of gambling possibilities in Florida and came to the conclusion it would hurt the State.

Opposition to legalized gambling also brings together an unlikely coalition. For example, Ralph Reed, executive of the Christian Coalition, and the liberal State Senator Tom Hayden of California, agree on this issue.

To those who wish to go back to an earlier era in our nation's history when legalized gambling was abolished, my political assessment is that is not possible. But restraint is possible.

I have introduced legislation, cosponsored by Senator LUGAR, to have a commission, of limited duration and a small budget, look at this problem. Congressmen FRANK WOLF and JOHN LAFALCE have introduced somewhat similar legislation in the House. My reason for suggesting the limited time—18 months—and the small budget, $250,000, is that commissions like that often are the most productive. One of the finest commissions the Nation has had, the Commission on Foreign Languages and International Studies, produced its report in a little more than 1 year on a small budget and had significant influence.

Let a commission look at where we are and where we should go. My instinct is that sensible limits can be established.

For example, what if any new gambling enterprise established after a specific date had to pay a tax of 5 percent on its gross revenue. Those who are already in the field who are not too

greedy should support it because it prevents the saturation of the market. Financial wizard Bernard Baruch said of those who invest in the stock market, "The bears win and the bulls win, but the hogs lose." Gambling enterprises that are willing to limit their expansion are more likely to be long-term winners. And those who know the problems that gambling causes should support this idea because of the limitations.

Or suppose we were to move to some form of supplement to local and State revenue again. States, Indian tribes, and local governments that do not have any form of legalized gambling would be eligible for per capita revenue-sharing assistance. It would require creating a source of revenue for such funding, but would bring some relief to non-Federal governments who do not want gambling but are desperate for additional revenue. There is no way—let me underscore this—of reducing the gambling problem without facing the local revenue problem.

Congressman JIM MCCRERY, a Republican from Louisiana, has proposed that lotteries—now exempt from Federal Trade Commission truth-in-advertising standards—should be covered. Why should the New York lottery be able to advertise: "We won't stop until everyone's a millionaire."

These are just three possible ideas. The commission could explore others. The commission can look at how we deal with gambling opportunities that will surface later this year on an experimental basis on cable television and the Internet. How significant could this become? None of us knows.

We do know that two-thirds of problem gamblers come from a home where at least one parent had a problem with alcoholism. Should we be dealing more seriously with alcoholism, in part to deal with the gambling phenomenon?

These and other questions could be studied by a commission.

What should not be ignored by Congress and the American people is that we have a problem on our hands. We need to find sensible and sensitive answers.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, do I have time reserved under a previous order?

The PRESIDING OFFICER. The Senator has 15 minutes.

GAMBLING

Mr. DORGAN. Mr. President, as always, the Senator from Illinois raises for this Senate the right questions and in a very sensitive way. I have said previously on this floor in discussing some other items that one of the growth industries in America, regrettably now, is gambling. There is more spent, at least for the more recent year I have seen, there is more spent for gambling in America than is spent on America's national defense. In a recent year, it was $400 billion-plus just on legal gambling. We spend less than $300 billion on America's defense. I think all of the questions that relate to this issue of gambling need to be asked and need to be studied.

It was interesting to me one evening when I had the television set on, though I was not really watching it much—and on one of the local stations in the Washington, DC, area they were doing their live drawing for their lottery. They do that live with these little ping-pong balls with numbers on them. It was on the screen. I never participated in those things. This was on the screen, and then across the bottom of the screen scrolled an urgent news bulletin. It was not so urgent that they would take the lottery selection off, because they were doing that live, they did not want to interrupt that.

So they kept on picking the lottery balls out and announcing the numbers. The news scrolled across the bottom of the television screen that Gorbachev had just resigned in the Soviet Union. I was thinking to myself, this is incredibly bizarre. Here is something that will affect the lives of virtually everyone in the world. The leaders of one of the major powers in the world resigns, but instead of cutting in with a news report, they cannot interrupt the lottery, so they scroll it across the bottom of the screen.

That is what we have come to, with respect to this issue of gambling in America today.

Mr. SIMON. Mr. President if my colleague will yield for an observation. I thank him. As usual, Senator DORGAN is right on target on this issue.

Today, I regret to say, we have topped $500 billion now in total gross income. It is a fast-growing industry in the United States.

Mr. DORGAN. That is probably legal wagers. There is substantial illegal wagering in America.

Mr. SIMON. That does not count what happens illegally. The second thing, the Senator mentioned in passing—as you saw them take these balls for the lottery—that you do not spend any money on it. Most people of our income level do not. It is the poor that they try to appeal to. And it is very clear, both from studies and from the advertising, that this is an attempt to extract money from the poor. We ought to be able to get revenue in a better way for our Government.

Mr. DORGAN. I do not come to the floor suggesting that gambling is always wrong or ought to be made illegal. I think it is very useful to study, and I think that the commission approach makes a lot of sense. We ought to be evaluating what does all of this mean for our country? Who is affected by it, and how? That is what I think the Senator from Illinois was saying. I think it is timely and important. I have indicated that to Congressman WOLF and others, as well.

Mr. SIMON. I thank my colleague.

LINE-ITEM VETO: WHERE ARE THE HOUSE CONFEREES?

Mr. DORGAN. Mr. President, I came to the floor to visit about two other items. One is the line-item veto. As the Presiding Officer knows, we passed a line-item veto here in the Senate in March. I voted for it, as I have on a dozen or 2 dozen occasions previously, because I think we ought to have a line-item veto. I voted for the line-item veto when President Reagan and President Bush were Presidents because I, as a Democrat, think that Presidents, whether Republican or Democrat, ought to have a line-item veto.

The House passed a line-item veto bill on February 6 of this year, and the Senate passed a line-item veto bill in March of this year. Now, there has been no progress since then because there has been no conference between the House and Senate. Why has there not been a conference? Because the Speaker of the House, who always told us he wants a line-item veto, decided he is not going to appoint conferees. So there will be no line-item veto until the Speaker decides he wants to appoint some conferees, and there is a conference and agreement, and then it comes back to both the House and the Senate.

Now, some will probably say that this is because the new majority and the Speaker may want to put their own spending projects in these bills and not have a Democratic President veto them.

This is a newspaper published on Capitol Hill. It says, "Gingrich Gets $200 Million in New Pork," describing what was written, apparently, in appropriations bills that will benefit the Speaker. He may not want the President to target that $200 million that was written into a bill that the Pentagon does not ask to be spent. Maybe the President would use a line-item veto to say this is $200 million that the taxpayers should not have to spend on things the Pentagon did not want.

I noticed this morning in the Washington Post, "Extra Pentagon Funds Benefits Senators' States." It describes in some detail the extra funds put in for projects that the Pentagon has not asked for. These are things that will be built that the Pentagon says we do not want built. But money is added to those bills to benefit some. The question is, Why would the President not have the line-item veto if all of us agree that he should?

Congressman BOB LIVINGSTON, chairman of the House Appropriations Committee, said, "We may not want to give

it to this President''—speaking of the line-item veto—''right at the outset, but let's give it to him eventually.'' Those are his words. We may not want to give the line-item veto to this President at the outset.

Speaker GINGRICH, on February 6, before the House passed the line-item veto, said this:

> We have a bipartisan majority that is going to vote for the line-item veto. For those who think this city has to always break down into partisanship, you have a Republican majority giving this to a Democratic President this year without any gimmicks, an increased power over spending which we think is an important step for America, and therefore it is an important step on a bipartisan basis to do it for the President of the United States, without regard to party or ideology.

More recently, he said, ''My sense is we won't get to it this year.''

There was a fervent debate by those who wanted the line-item veto. Somehow that ardor has cooled. Somehow the line-item veto is less important now.

The Speaker has been on a book tour. There is plenty of time to do that all across America and, apparently, to write two books this year, and to earn a bunch of money. But, apparently, there is not enough time to get to the line-item veto—appoint conferees and get to a line-item veto.

Well, Mr. President, there is an old saying, ''You can put your boots in the oven, but that doesn't make them biscuits.''

The Speaker can talk about the Contract With America and the line-item veto, but if he is not prepared to appoint conferees so that we can pass a line-item veto, then he continues to stall. I suppose the reason for that is he wants his own spending to be written into these bills, or so you would think from this kind of report—''Gingrich Gets $200 Million in New Pork.''

Well, I hope that we can come to a bipartisan consensus that the House ought to appoint conferees, that the Senate and House should have a conference this week, and that the conference should report back the conference report at the end of this week. That way we can pass the line-item veto.

Tomorrow, I intend to offer a sense-of-the-Senate resolution on the line-item veto to the State Department authorization bill. My amendment would say: It is the sense of the Senate that the Speaker of the House should move to appoint conferees on S. 4 immediately, so that the House and Senate may resolve their differences and we can pass a conference report.

I do not understand what this is all about if it is not dragging your feet to protect more Federal spending that you want for your district in this bill. I thought we had decided on a bipartisan basis that a line-item veto was good for this country. We voted for it, believed in it, and wanted to give it to this President. I voted for it with Republican Presidents in office and I voted for it again. I would like this President to have it. So I intend tomorrow to offer a sense-of-the-Senate resolution and ask Senators to vote to send a message to the Speaker that if you have plenty of time to run around the country on a book tour, you have time, in my judgment, to appoint conferees.

How do you do it? Simple. Think of the names of a few of your friends and then pick some. That is not rocket science; that is just appointing conferees, which we do every day in the House and Senate.

There will be a bill coming to the floor in a few days that authorizes Defense spending. That bill includes a type of spending that is especially, in my judgment, appropriate for a line-item veto. We have something called star wars in this country. It has a better name now; it is not star wars, or ABM, antiballistic missile defenses; now it is BMD, ballistic missile defense system. That is a new acronym for the same old boondoggle. It is something that costs $30 or $40 billion, and it will protect against an adversary that no longer exists. But each one of these missile defense programs has a constituency that somehow seems unable to shut the program down. The Soviet Union is gone. That was the antagonist for which the ABM system was designed. The Soviet Union does not exist anymore. But the people who want to build a star wars program continue to plug away.

They added in the Senate Armed Services Committee $300 million extra for national ballistic missile defense, and then they said let us essentially change the ABM treaty, abrogate the treaty, No. 1 and, No. 2, let us go for accelerated interim deployment in the year 1999 and final deployment by 2002. Well, this $300 million is a perfect example of what the President ought to use a line-item veto on.

I intend to offer an amendment on the floor of the Senate to strip this $300 million out of the Defense authorization bill. It does not make any sense to spend $300 million we do not have on a project we do not need. This is exactly why this President ought to have a line-item veto. The notion that we do not have enough money for an entitlement for a poor kid to have a hot lunch in school, but we have enough money to stick $300 million extra in a bill for star wars—I do not know what people are thinking about around here.

So I want to alert my colleagues that I am going to offer an amendment to cut this national missile defense funding. But more generally, this provision is exactly why we need a line-item veto.

MERGERS AND TAKEOVERS

Mr. DORGAN. Mr. President, I noticed this morning that there is a news report out that Disney Corp. is intending, for some $19 billion, according to the news reports, to purchase Capital Cities/ABC. Now, it would be the second largest takeover in U.S. history if the Disney Corp. purchases Capital Cities/ABC. I am concerned when I hear, day after day and week after week, new proposals—friendly or hostile proposals—to merge America's largest businesses into larger and larger enterprises. We have seen merger mania in this country before, a wave that came and went, but it now seems to be coming again.

You only have to pick up a newspaper these days to see who is buying whom, some with leveraged buyouts, some in hostile takeover proposals, and others simply friendly mergers. But it is inevitably true in this country that when two corporations become one larger corporation, especially in multibillion-dollar deals, it impedes competition.

You have less competition in this country as you have more concentration. Nobody seems to care very much about it. We have a thousand attorneys working in the Federal Government on antitrust issues. Under the leadership of Anne Bingaman down at Justice, they are more active now, and I salute them for that.

We need to get more and more active to make sure that these mergers are in the public interest. We need to ensure that a decision by two corporations to combine to make a larger corporation, and grab a larger market share, does not impede the competition that drives the free market system.

I have a list of the large proposals for mergers just in the last week and months, large financial institutions, large manufacturing institutions. Frankly, I think we in the Congress ought to take a close look at this practice. I intend to ask the committees of jurisdiction to do that.

If a person goes downtown and buys a shirt or a blouse at a department store, you will be required to pay a sales tax, a tax for the transaction. I, personally, think we ought to have a fee that is supplied to those who want to buy corporations.

We had a $25 billion acquisition several years ago in which KKR purchased Philip Morris. I think they should have paid a fee. That fee ought to be used as a resource bank of funds for investment capital for small businesses. When big businesses combine and provide less competition and more concentration, we ought to get a fee from that that is used as seed money and seed capital for small businesses, which represent the development of more competition.

I hope that in the coming weeks we will be able to discuss this in relevant

committees. I do not have any notion about what the proposed merger between Disney and Capital Cities/ABC is all about. I do not know whether it is good or bad. I say when we see, day after day, week after week, more and more megamerger proposals in this country for large corporations to combine to become larger, inevitably it cuts away at this country's free enterprise system, because this system works based on competition. Concentration means less competition. It is something we ought to be concerned about and ought to care about.

ACTION NEEDED ON LINE-ITEM VETO

Mr. DORGAN. Mr. President, finally, I hope this week we can get the Speaker of the House to appoint conferees, have a conference and get a conference report, and get a line-item veto in the hands of this President. Again, if we have time for book tours and writing books and doing a lot of other things, we ought to have time, it seems to me, to be able to pick a few friends to be on a conference committee and be serious about the things many Members of Congress campaigned on.

If they believe in a line-item veto, let us decide to give that to this President right now and see if we cannot cut some of the pork in the appropriations bills moving through the House and Senate, including all kinds of lard now stuck to these bills for the districts of folks who have been bellowing the loudest about the problems of Federal spending. The problems of Federal spending seem to stop when this is their district and their appropriations bill, and it also seems to stop when it comes to getting serious about sending to this President a line-item veto that would be put in the hands of this President. I yield the floor.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 1996

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consideration of H.R. 1905, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1905) making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes.

The Senate proceeded to consideration of the bill, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill to be inserted are shown in italic.)

H.R. 1905

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1996, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, **[**$129,906,000**]** *$126,323,000*, to remain available until expended, of which funds are provided for the following projects in the amounts specified:

[Norco Bluffs, California, $375,000;

[Indianapolis Central Waterfront, Indiana, $2,000,000;

[Ohio River Greenway, Indiana, $1,000,000; and

[Mussers Dam, Middle Creek, Snyder County, Pennsylvania, $300,000**]**

Norco Bluffs, California, $375,000;

Indianapolis Central Waterfront, Indiana, $1,000,000;

Kentucky Lock and Dam, Kentucky, $2,500,000; and

West Virginia Port Development, West Virginia, $300,000.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), **[**$807,846,000**]** *$778,456,000*, to remain available until expended, of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 25, Mississippi River, Illinois and Missouri, Lock and Dam 14, Mississippi River, Iowa, Lock and Dam 24, Mississippi River, Illinois and Missouri, and GIWW-Brazos River Floodgates, Texas, projects, and of which funds are provided for the following projects in the amounts specified:

[Red River Emergency Bank Protection, Arkansas and Louisiana, $6,600,000;

[Sacramento River Flood Control Project (Glenn-Colusa Irrigation District), California, $300,000;

[San Timoteo Creek (Santa Ana River Mainstem), California, $5,000,000;

[Indiana Shoreline Erosion, Indiana, $1,500,000;

[Harlan (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $12,000,000;

[Williamsburg (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $4,100,000;

[Middlesboro (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $1,600,000;

[Salyersville, Kentucky, $500,000;

[Lake Pontchartrain and Vicinity (Hurricane Protection), Louisiana, $11,848,000;

[Red River below Denison Dam Levee and Bank Stabilization, Louisiana, Arkansas, and Texas, $3,800,000;

[Broad Top Region, Pennsylvania, $4,100,000;

[Glen Foerd, Pennsylvania, $200,000; and

[Wallisville Lake, Texas, $5,000,000**]**

Homer Spit, Alaska, repair and extend project, $3,800,000;

McClellan-Kerr Arkansas River Navigation System, Arkansas, $6,000,000: Provided, That $4,900,000 of such amount shall be used for activities relating to Montgomery Point Lock and Dam, Arkansas;

Red River Emergency Bank Protection, Arkansas and Louisiana, $6,600,000;

Sacramento River Flood Control Project (Glenn-Colusa Irrigation District), California, $300,000;

Winfield, Kansas, $670,000;

Harlan (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $12,000,000;

Williamsburg (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $4,100,000;

Middlesboro (Lesiva and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $1,600,000;

Salyersville, Kentucky, $500,000;

Lake Pontchartrain and Vicinity (Hurricane Protection), Louisiana, $11,838,000;

Ouachita River Levees, Louisiana, $2,300,000;

Red River below Denison Dam Levee and Bank Stabilization, Louisiana, Arkansas, and Texas, $2,000,000;

Roughans Point, Massachusetts, $710,000;

Ste. Genevieve, Missouri, $1,000,000;

Broad Top Region, Pennsylvania, $2,000,000;

Glen Foerd, Pennsylvania, $200,000;

Wallisville Lake, Texas, $5,000,000;

Hatfield Bottom (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, $200,000; and

Upper Mingo (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, West Virginia, $2,000,000: Provided, That the Secretary of the Army, acting through the Chief of Engineers, shall transfer $1,120,000 of the Construction, General funds appropriated in this Act to the Secretary of the Interior and the Secretary of the Interior shall accept and expend such funds for performing operation and maintenance activities at the Columbia River Fishing Access Sites to be constructed by the Department of the Army at Cascade Locks, Oregon; Lone Pine, Oregon; Underwood, Washington; and the Bonneville Treaty Fishing Access Site, Washington.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g-1), $307,885,000, to remain available until expended.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality

or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, [$1,712,123,000] *$1,696,998,000*, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662, may be derived from that fund, and of which such sums as become available from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601), may be derived from that fund for construction, operation, and maintenance of outdoor recreation facilities: *Provided*, That not to exceed $5,000,000 shall be available for obligation for national emergency preparedness programs: *Provided further*, That [$5,926,000] *$3,426,000* of the funds appropriated herein are provided for the Raystown Lake, Pennsylvania, project: *Provided further, That the Secretary of the Army is directed during fiscal year 1996 to maintain a minimum conservation pool level of 475.5 at Wister Lake in Oklahoma.*

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $101,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act approved August 18, 1941, as amended, $10,000,000, to remain available until expended.

OIL SPILL RESEARCH

For expenses necessary to carry out the purposes of the Oil Spill Liability Trust Fund, pursuant to Title VII of the Oil Pollution Act of 1990, $850,000, to be derived from the Fund and to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Coastal Engineering Research Board, the Humphreys Engineer Center Support Activity, the Engineering Strategic Studies Center, and the Water Resources Support Center, [$150,000,000] *$153,000,000, to remain available until expended*: *Provided*, [That not to exceed $60,000,000 of the funds provided in this Act shall be available for general administration and related functions in the Office of the Chief of Engineers: *Provided further*,] That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the Division Offices: *Provided further*, That with funds provided herein and notwithstanding any other provision of law, the Secretary of the Army shall develop and submit to the Congress within 60 days of enactment of this Act, a plan which reduces the number of division offices within the United States Army Corps of Engineers to no less than 6 and no more than 8, with each division responsible for at least 4 district offices, but does not close or change the function of any district office: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Army is directed to begin implementing the division office plan on August 15, 1996, and such plan shall be implemented prior to October 1, 1997.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000); and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISION

CORPS OF ENGINEERS—CIVIL

[SEC. 101. (a) In fiscal year 1996, the Secretary of the Army shall advertise for competitive bid at least 7,500,000 cubic yards of the hopper dredge volume accomplished with government-owned dredges in fiscal year 1992.

[(b) Notwithstanding the provisions of this section, the Secretary is authorized to use the dredge fleet of the Corps of Engineers to undertake projects when industry does not perform as required by the contract specifications or when the bids are more than 25 percent in excess of what the Secretary determines to be a fair and reasonable estimated cost of a well equipped contractor doing the work or to respond to emergency requirements.

[(c) None of the funds appropriated herein or otherwise made available to the Army Corps of Engineers, including amounts contained in the Revolving Fund of the Army Corps of Engineers, may be used to study, design or undertake improvement or major repair of the Federal vessel, MCFARLAND.]

SEC. 101. (a) In fiscal year 1996, the Secretary of the Army shall advertise for competitive bid at least 7,500,000 cubic yards of the hopper dredge volume accomplished with government owned dredges in fiscal year 1992.

(b) Notwithstanding the provisions of this section, the Secretary is authorized to use the dredge fleet of the Corps of Engineers to undertake projects when industry does not perform as required by the contract specifications or when the bids are more than 25 percent in excess of what the Secretary determines to be a fair and reasonable estimated cost of a well equipped contractor doing the work or to respond to emergency requirements.

(c) None of the funds appropriated herein or otherwise made available to the Army Corps of Engineers, including amounts contained in the Revolving Fund of the Army Corps of Engineers, may be used to study, design or undertake improvements or major repair of the Federal vessel, McFARLAND, except for normal maintenance and repair necessary to maintain the vessel McFARLAND's current operational condition.

(d) If any of the four Corps of Engineers hopper dredges is removed from normal service for repair or rehabilitation and such repair prevents the dredge from accomplishing its volume of work regularly carried out in each of the past three years, the Corps of Engineers shall reduce the 7,500,000 cubic yards of hopper dredge volume contained in subsection (a) of this section by the proportional amount of work which had been allocated to such dredge over the past three fiscal years in calculating the reduction in Corps dredging work required to implement subsection (a).

[SEC. 102. (a) SAND AND STONE CAP IN NAVIGATION PROJECT AT MANISTIQUE HARBOR, MICHIGAN.—The project for navigation, Manistique Harbor, Schoolcraft County, Michigan, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1905 (33 Stat. 1136), is modified to permit installation of a sand and stone cap over sediments affected by polychlorinated biphenyls in accordance with an administrative order of the Environmental Protection Agency.

[(b) PROJECT DEPTH.—

[(1) IN GENERAL.—Except as provided in paragraph (2), the project described in subsection (a) is modified to provide for an authorized depth of 18 feet.

[(2) EXCEPTION.—The authorized depth shall be 12.5 feet in the areas where the sand and stone cap described in subsection (a) will be placed within the following coordinates: 4220N-2800E to 4220N-3110E to 3980N-3260E to 3190N-3040E to 2960N-2560E to 3150N-2300E to 3680N-2510E to 3820N-2690E and back to 4220N-2800E.

[(c) HARBOR OF REFUGE.—The project described in subsection (a), including the breakwalls, pier, and authorized depth of the project (as modified by subsection (b)), shall continue to be maintained as a harbor of refuge.]

SEC. 103. None of the funds appropriated herein or otherwise available to the Army Corps of Engineers, may be used to assist, guide, coordinate, administer; prepare for occupancy of; or acquire furnishings for or in preparation of a movement to the Southeast Federal Center.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For the purpose of carrying out provisions of the Central Utah Project Completion Act, Public Law 102-575 (106 Stat. 4605), and for feasibility studies of alternatives to the Uintah and Upalco Units, $42,893,000, to remain available until expended, of which $23,503,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account: *Provided*, That of the amounts deposited into the Account, $5,000,000 shall be considered the Federal Contribution authorized by paragraph 402(b)(2) of the Act and $18,503,000 shall be available to the Utah Reclamation Mitigation and Conservation Commission to carry out activities authorized under the Act.

In addition, for necessary expenses incurred in carrying out responsibilities of the Secretary of the Interior under the Act, $1,246,000, to remain available until expended.

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, [$13,114,000] *$11,234,000*: *Provided*, That, of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such amounts shall remain available until expended.

CONSTRUCTION PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For construction and rehabilitation of projects and parts thereof (including power

transmission facilities for Bureau of Reclamation use) and for other related activities as authorized by law, to remain available until expended, [$417,301,000] *$390,461,000*, of which $27,049,000 shall be available for transfer to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d), and [$94,225,000] *$92,725,000* shall be available for transfer to the Lower Colorado River Basin Development Fund authorized by section 403 of the Act of September 30, 1968 (43 U.S.C. 1543), and such amounts as may be necessary shall be considered as though advanced to the Colorado River Dam Fund for the Boulder Canyon Project as authorized by the Act of December 21, 1928, as amended: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That transfers to the Upper Colorado River Basin Fund and Lower Colorado River Basin Development Fund may be increased or decreased by transfers within the overall appropriation under this heading: *Provided further*, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such funds shall remain available until expended: *Provided further*, That all costs of the safety of dams modification work at Coolidge Dam, San Carlos Irrigation Project, Arizona, performed under the authority of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 506), as amended, are in addition to the amount authorized in section 5 of said Act.

OPERATION AND MAINTENANCE

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, to remain available until expended, [$278,759,000] *$267,393,000*: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund, and the amount for program activities which can be derived from the special fee account established pursuant to the Act of December 22, 1987 (16 U.S.C. 460l–6a, as amended), may be derived from that fund: *Provided further*, That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same purpose and in the same manner as sums appropriated herein may be expended, and such advances shall remain available until expended: *Provided further*, That revenues in the Upper Colorado River Basin Fund shall be available for performing examination of existing structures on participating projects of the Colorado River Storage Project.

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

For the cost of direct loans and/or grants, $11,243,000, to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a–422l): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $37,000,000.

In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, $425,000: *Provided*, That of the total sums appropriated, the amount of program activities which can be financed by the reclamation fund shall be derived from the fund.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, to remain available until expended, such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f) and 3406(c)(1) of Public Law 102–575: *Provided*, That the Bureau of Reclamation is directed to levy additional mitigation and restoration payments totaling $30,000,000 (October 1992 price levels) on a three-year rolling average basis, as authorized by section 3407(d) of Public Law 102–575.

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, $48,150,000, of which $1,400,000 shall remain available until expended, the total amount to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

SPECIAL FUNDS

(TRANSFER OF FUNDS)

Sums herein referred to as being derived from the reclamation fund or special fee account are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391) or the Act of December 22, 1987 (16 U.S.C. 460l–6a, as amended), respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the head "General Administrative Expenses" shall revert and be credited to the reclamation fund.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 9 passenger motor vehicles for replacement only.

TITLE III

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for energy supply, research and development activities, and other activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 25, of which 19 are for replacement only), [$2,576,700,000 (less $1,000,000)] *$2,798,324,000*, to remain available until expended[: *Provided*, That, of such amount, $44,772,000 shall be available to implement the provisions of section 1211 of the Energy Policy Act of 1992 (42 U.S.C. 13316)].

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For expenses of the Department of Energy in connection with operating expenses; the purchase, construction, and acquisition of plant and capital equipment and other expenses incidental thereto necessary for uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.) and the Energy Policy Act (Public Law 102–486, section 901), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of electricity as necessary; $64,197,000, to remain available until expended: *Provided*, That revenues received by the Department for uranium programs and estimated to total $34,903,000 in fiscal year 1996 shall be retained and used for the specific purpose of offsetting costs incurred by the Department for such activities notwithstanding the provisions of 31 U.S.C. 3302(b) and 42 U.S.C. 2296(b)(2): *Provided further*, That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1996 so as to result in a final fiscal year 1996 appropriation estimated at not more than $29,294,000.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions and other activities of title II of the Atomic Energy Act of 1954 and title X, subtitle A of the Energy Policy Act of 1992, $278,807,000, to be derived from the fund, to remain available until expended: *Provided*, That at least $42,000,000 of amounts derived from the fund for such expenses shall be expended in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

GENERAL SCIENCE AND RESEARCH ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 12 for replacement only), [$991,000,000] *$971,000,000*, to remain available until expended.

NUCLEAR WASTE DISPOSAL FUND

[For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $226,600,000, to remain available until expended, to be derived from the Nuclear Waste Fund.]

For the nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $151,600,000 to remain available until expended, to be derived from the Nuclear Waste Fund: Provided, That of the amount herein appropriated together with the amount provided in the Defense Nuclear Waste Disposal Appropriation contained in this title, within available funds, no more than $250,000,000 shall be available to continue, at a reduced level, the technical site characterization effort and to retain deferred licensing capability at the Yucca Mountain site: Provided further, That the facility for the initial storage of no more than 40,000 metric tons of uranium at a site to be determined by the President shall be licensed by the Nuclear Regulatory

Commission for an unspecified period, in accordance with its regulations governing the licensing of independent spent fuel storage installations, without regard to sections 148(a) and 148(d) of Public Law 97–425: Provided further, That the facility shall be expandable for the subsequent transportation and interim storage of up to 100,000 metric tons of uranium and shall be operational in the 1998 timeframe, consistent with sections 135(a)(1)(B), 135(a)(4), 137(a), 141(a), 148(a), 148(b), and 148(c) of Public Law 97–425, but without regard to sections 131(a)(3), 131(b)(2), 135(a)(1), 135(a)(2), 135(d), 135(e), 141(g), 145, 146, 148(d)(1), 148(d)(3), and 148(d)(4) of Public Law 97–425: Provided further, That the director shall review the program's institutional activities, including all cooperative agreements, international commitments, and university assistance, and shall make available to these entities amounts commensurate with the revised program for nuclear waste disposal activities: Provided further, That any funds provided to the State of Nevada are for the sole purpose of conduct of its scientific oversight responsibilities pursuant to Public Law 97–425, as amended: Provided further, That none of the funds herein appropriated may be used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for any lobbying activity as provided in section 1913 of title 18, United States Code: Provided further, That the Secretary shall submit to the Congress within 90 days a revised program plan and schedule, including a new five-year budget, that addresses the construction and operation of the interim storage capability, the revised site characterization program at the Yucca Mountain site, and the results of the Director's review of the program's institutional activities.

ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 79, of which 76 are for replacement only, including one police-type vehicle), [$3,273,014,000] *$3,751,719,000*, to remain available until expended.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 7 for replacement only), [$5,265,478,000] *$5,989,750,000*, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, other defense activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion [$1,323,841,000] *$1,439,112,000*, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, [$198,400,000] *$248,400,000*, to remain available until expended, *all of which shall be used in accordance with the terms and conditions of the Nuclear Waste Fund appropriation of the Department of Energy contained in this title.*

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for Departmental Administration and other activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), [$362,250,000] *$377,126,000*, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511, et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total [$122,306,000] *$137,306,000* in fiscal year 1996 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1996 so as to result in a final fiscal year 1996 appropriation estimated at not more than [$239,944,000] *$239,820,000*.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, [$26,000,000] *$25,000,000*, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

OPERATION AND MAINTENANCE, ALASKA POWER ADMINISTRATION

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, $4,260,000, to remain available until expended.

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $3,000.

During fiscal year 1996, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $19,843,000, to remain available until expended.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $29,778,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $4,272,000 in reimbursements, to remain available until expended.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7101, et seq.), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, $257,652,000, to remain available until expended, of which $245,151,000 shall be derived from the Department of the Interior Reclamation fund: *Provided*, That of the amount herein appropriated, $5,283,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That the Secretary of the Treasury is authorized to transfer from the Colorado River Dam Fund to the Western Area Power Administration $4,556,000 to carry out the power marketing and transmission activities of the Boulder Canyon project as provided in section 104(a)(4) of the Hoover Power Plant Act of 1984, to remain available until expended.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $1,000,000, to remain available until expended and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, fiscal years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including services as authorized by 5 U.S.C. 3109, including the hire of passenger motor vehicles; official reception and representation expenses (not to exceed $3,000); [$132,290,000] *$131,290,000*, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed [$132,290,000] *$131,290,000* of revenues from fees and annual charges, and other services and collections in fiscal year 1996, shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1996 so as to result in a final fiscal year 1996 appropriation estimated at not more than $0.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, and for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by section 3109 of title 5, United States Code, and hire of passenger motor vehicles, to remain available until expended, [$142,000,000] *$182,000,000*.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, $17,000,000, to remain available until expended.

DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), $343,000.

CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), $478,000.

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

CONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), as amended by the Act of September 25, 1970 (Public Law 91-407), $511,000.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official representation expenses (not to exceed $20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, [$468,300,000] *$474,300,000*, to remain available until expended, of which [$11,000,000] *$17,000,000* shall be derived from the Nuclear Waste Fund: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, including criminal history checks under section 149 of the Atomic Energy Act of 1954, as amended, may be retained and used for salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $457,300,000 in fiscal year 1996 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1996 from licensing fees, inspection services and other services and collections, excluding those moneys received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1996 appropriation estimated at not more than [$11,000,000] *$17,000,000*.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, including services authorized by section 3109 of title 5, United States Code, $5,000,000, to remain available until expended; and in addition, an amount not to exceed 5 percent of this sum may be transferred from Salaries and Expenses, Nuclear Regulatory Commission: *Provided*, That notice of such transfers shall be given to the Committees on Appropriations of the House and Senate: *Provided further*, That from this appropriation, transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1996 from licensing fees, inspection services, and other services and collections, so as to result in a final fiscal year 1996 appropriation estimated at not more than $0.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, [$2,531,000] *$2,664,000*, to be transferred from the Nuclear Waste Fund and to remain available until expended.

SUSQUEHANNA RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission as authorized by law (84 Stat. 1541), $318,000.

CONTRIBUTION TO SUSQUEHANNA RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1530, 1531), $288,000.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), including purchase, hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, [$103,339,000] *$110,339,000*, to remain available until expended.

TITLE V

GENERAL PROVISIONS

[SEC. 501. Sec. 505 of Public Law 102-377, the Fiscal Year 1993 Energy and Water Development Appropriations Act, and section 208 of Public Law 99-349, the Urgent Supplemental Appropriations Act, 1986, are repealed.

[SEC. 502. Sec. 510 of Public Law 101-514, the Fiscal Year 1991 Energy and Water Development Appropriations Act, is repealed.]

SEC. 503. Without fiscal year limitation and notwithstanding section 502(b)(5) of the Nuclear Waste Policy Act, as amended, or any other provision of law, a member of the Nuclear Waste Technical Review Board whose term has expired may continue to serve as a member of the Board until such member's successor has taken office.

[SEC. 504. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any applicable Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.]

SEC. 505. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 506. None of the funds made available in this Act may be used to revise the Missouri River Master Water Control Manual when it is made known to the Federal entity or official to which the funds are made available that such revision provides for an increase in the springtime water release program during the spring heavy rainfall and snow melt period in States that have rivers draining into the Missouri River below the Gavins Point Dam.

[SEC. 507. The amount otherwise provided in this Act for the following account is hereby reduced by the following amount:

[(1) "Nuclear Waste Disposal Fund", aggregate amount, $1,000.

[SEC. 508. None of the funds made available in this Act for the Army Corps of Engineers Upper Mississippi River-Illinois Waterway System Navigation Study may be used to study any portion of the Upper Mississippi River located above Lock and Dam 14 at Moline, Illinois, and Bettendorf, Iowa, except that the limitation in this section shall not apply to the conducting of any system-wide environmental baseline study pursuant to the National Environmental Policy Act.]

SEC. 509. Without fiscal year limitation, the amount of fish and wildlife costs that the Bonneville Power Administration may incur during

a fiscal year shall not exceed its ability to pay as a percent of the preceding years gross annual power revenues exclusive of gross residential exchange revenues that the Bonneville Administrator accrues in that fiscal year. No branch or agency of the Federal Government shall take any action pursuant to any law which shall cause the Bonneville Power Administration to exceed this expenditure limitation.

"Fish and wildlife costs" includes—

(1) purchase power costs and lost revenues, as determined by the Bonneville Administrator (subject to independent audit), based on the forecast value of such costs or revenues under average flow conditions, related to operations of the Federal Columbia River Power System for the benefit of fish and wildlife affected by the development, operation, or management of such system using operations prior to passage of the Northwest Power Act as a baseline for calculating such costs;

(2) expenditures; and

(3) reimbursable costs.

This provision shall be implemented on October 1, 1995 unless there is a valid agreement which limits Bonneville's exposure to increases in fish and wildlife costs consistent with its ability to pay and the needs for fish and wildlife resources in the Columbia River Basin.

This Act may be cited as the "Energy and Water Development Appropriations Act, 1996".

HOMOSEXUAL RIGHTS NEED CLEAR AND DIRECT DEBATE

Mr. HELMS. Mr. President, an effort is underway to demand that Congress enact legislation to grant rights to homosexuals that other Americans do not have. I cannot believe that such legislation will be approved by either the Senate or the House, but there's no way to be certain that either or both bodies won't cave in to political pressures being exerted.

One thing appears certain: The liberal media will likely get behind such an effort.

In any event, Mr. President, the Kinston, NC Daily Free Press published an excellent article on July 16 written by a gentleman who knows whereof he speaks—Dr. Richard G. McDonald of Kinston who for more than 50 years has been working with homosexuals. Dr. McDonald has a clear understanding of what is going on even if the vast majority of U.S. Senators do not.

In any event, Mr. President, I want Dr. McDonald's observations to be made available to Senators and others who may have concerns about the obvious powerplay going on among U.S. homosexuals. Therefore, I ask unanimous consent that the published comments of Dr. McDonald be printed in the RECORD.

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

[From the Kinston Free Press, July 16, 1995]

HOMOSEXUAL RIGHTS NEED CLEAR AND DIRECT DEBATE

(By Dr. Richard G. McDonald)

There has been an ongoing debate about gay rights, but the parameters of tolerance have not been addressed. This needs to be discussed clearly and directly.

There are tolerated limits and moral bounds to all human activity. There is a legal maxim that states, "Your right to swing your fist ends where my jaw begins." Self-explanatory. This is a line beyond which you may not proceed without dire consequence.

For over 50 years during and since WWII, I have been associated with, observed, supervised and counseled homosexuals; mostly male. Civil rights is something to which all people are entitled, regardless any other factor, i.e. jobs, housing, credit, etc., as a legal and moral right.

Most of us live our lives quietly and privately. Most homosexuals do also and enjoy successful lives interacting with society, in general, peaceably. There is a large number who, recognizing the inherent difficulty of their state, are involved in a serious effort to break away from what is unarguably abnormal and unnatural. They work closely with groups to this end; Exodus, nationally (with a N.C. unit) and Homosexual Anonymous, as in Maine (one of the groups with which I work).

These are troubled people who want to escape the clutches of their condition, knowing that it is a one-way road to nowhere; a nothingness to a tragic end and a sad death—if AIDS infected, a death sentence.

The state of their general equanimity, emotionally and psychologically, is disturbed, disordered, distressed, disabled; regrettable but largely correctable. In 1970–71 at two national conventions of the American Psychiatric Assoc. in San Francisco and Washington, homosexuality as a mental illness was removed from the Diagnostic Directory of Mental Illness under circumstances of coercion and intimidation that to this day are shameful and a professional disgrace. If you wonder why it was removed as a defined illness, you have only to read of the circumstances under which it was removed to realize that it never should have been.

There is, however, a radical and vociferous element within the homosexual community who want it their way in all respects—such is their disturbed state, sadly. They press this agenda with an "in your face" approach and with scandalous public displays such as the parades and gay parties at Clinton's inauguration in D.C. and the gay pride parades nationally in general. (Pride in what?)

What this disturbed group wants is acceptance of their "lifestyle" with federal government blessing and protection as a "civil right" to promote their actions; to teach in our public schools that homosexuality is both natural and normal; to convince our youth that their lifestyle is merely an "alternative choice." To so convince and corrupt our youth would inevitably lead to a major breakdown in our social and moral order. Debauchery undermines the public moral fiber and the strength of people as a community and nation. This is precisely what led to the fall of great nations of the past; e.g. ancient Greece and Rome.

The moral reason for its rejection we all know. Causation is unknown to this day, scientifically. Predisposition to homosexuality is, no matter the cause, and will still be humanly abnormal and unnatural and should not be advanced to a government protected right. From time immortal, it has been rejected as unacceptable on the wisdom of thousands of years of human experience from the knowledge of consequences.

Because of their small numbers, despite their attempts to claim a large population, they are on a constant "recruiting campaign" to have a replacement base for their own purposes and to have available partners for their gratification. This applies to both genders though lesbians tend to have more personal, "caring and committed" relationship of longer duration.

But for both, their general attitude as it relates to human relations differs from that of the heterosexual majority significantly, in that it is inwardly directed in a self-centered matrix around gratification and the almost hysterical fear of aloneness without "partners." Sexual gratification is the motivating drive without the interconnectedness of "person," with the male. Most of the time, it is anonymous sex. The "bath houses" of San Francisco in the Castro district are the national hotbed of deviant gay sexuality and the center of the highest per capita AIDS infection rate in the nation. This is another sad consequence of homosexuality which is leading rapidly to a national epidemic; a fact that the AMA is ignoring and the Center for Disease Control does not want to admit; a serious warning to the American public is overdue.

Homosexual Congressman Steve Gunderson and his Gay Republican Caucus are solidly behind passage of the "Gay Bill of Rights" (H.R. 382 and Senate S. 25); further, they are busy lobbying for millions to fight for passage. To live their lives quietly and privately is one thing; to have a protected and special legal status is to give legitimacy to one of mankind's scourges. It must not happen for reasons that are indisputable; now you know what you must do.

WAS CONGRESS IRRESPONSIBLE? CONSIDER THE ARITHMETIC

Mr. HELMS. Mr. President, it does not take a rocket scientist to be aware that the U.S. Constitution forbids that any President spend even a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when a politician or an editor or a commentator pops off that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that the Founding Fathers, two centuries before the Reagan and Bush Presidencies, made it very clear that it is the constitutional duty of Congress—a duty Congress cannot escape—to control Federal spending.

Thus, is it not the fiscal irresponsibility of Congress that has created the incredible Federal debt which stood at $4,948,204,552,522.39 as of the close of business Friday, July 28?

This outrageous debt—which will be passed on to our children and grandchildren—averages out to $18,783.46 for every man, woman, and child in America.

THE FEDERAL JUDICIARY

Mr. GRAMS. Mr. President, in addition to the Minneapolis Star Tribune articles regarding the Federal judiciary circulated to Senators on Friday, July 28, I would like to share with my colleagues the following article, which was published on the op-ed page of the Star Tribune on Sunday, March 12, 1995.

I ask unanimous consent that the article be printed in the RECORD.

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

SERIES WRONGED WEST AND JUDGES

(By Ruth E. Stanoch)

What could explain the character assassination the Star Tribune performed at the expense of the reputation of several U.S. Supreme Court justices, other distinguished federal jurists and the 6,000 employees of the West Publishing Co.? This is a question many people are asking after the Star Tribune wasted over eight pages of copy to prove a faulty premise, and then ran an editorial condemning allegations that the excruciatingly long articles never substantiated.

Cleverly linking unrelated events, the Star Tribune pulled quotes out of context and employed provocative tabloid language in lead headlines and paragraphs, only to suggest wrongdoing that its own handpicked panel of experts could not find.

The Star Tribune suggests as much in its own editorial. "All this might be just a minor eyebrow-raiser," state the editors, "if not for a question of timing."

Timing indeed. How is it that some 13 years after the creation of the Devitt Award—and after receiving press releases from West explaining every detail and identifying every recipient of this most distinguished award—that the Star Tribune finally woke up and destroyed half a forest in an effort to trash West and some highly respected federal judges? As the newspaper would have found from its own clips, the Devitt Award was started long before the West cases cited by the paper came before the U.S. Supreme Court, and it continues today, long after the cases have been resolved. If the issue is timing, it is the Star Tribune's timing that ought to be questioned.

The answer won't sell many newspapers, for there is no murky conspiracy or unfounded allegation of improper influence. In fact, the Star Tribune's effort to out-intrigue Oliver Stone is merely the latest example of the bare-knuckled tussling that has become the norm in the fiercely competitive online information service sector.

According to a February news release from the Star Tribune's partner, AT&T, the Star Tribune's parent company, Cowles Media, has formed Cowles Business Media for the sole purpose of creating an online news and information service for business professionals. Furthermore, in a March 3 letter to West, the Star Tribune admitted that "if there is a major court decision we will obviously report it on the online service, and we might publish the decision if we had access to it." WESTLAW, West Publishing's flagship online service, is already the nation's leading source of legal and nonlegal business and professional information. Make no mistake. The Star Tribune and Cowles Business Media will compete directly with WESTLAW. West welcomes competition. In fact, since 1992, the number of competing providers of caselaw has increased from 65 to more than 190. West's two largest competitors are multibillion dollar, multinational conglomerates headquartered in foreign countries. The Star Tribune lamely states it has no intention of entering the legal publishing business, hoping its readers don't know and will not find out that West isn't just a caselaw publisher, but one of America's leading online business and professional information providers.

The Star Tribune must not forget that aside from its competitive business ventures it remains a newspaper. It could have added a dose of journalistic integrity to the story by merely mentioning the AT&T venture somewhere in that enormous story—just as it did whenever notions of accuracy forced it to admit, however cryptically, that neither West nor the judges had done anything wrong at all.

The Star Tribune also has a duty to pursue its tasks in good faith. In correspondence with Star Tribune editors and feature writers. West was told that the newspaper was undertaking a broad examination of the entire legal publishing industry. West was asked to cooperate with work on an article that involved "major contractors such as Mead Data Central, West Publishing Co. and Lawyers' Cooperative Publishing."

West cooperated initially because any story entitled "Who Owns the Law" ought to say—and we did—that among major legal publishing companies, only West is American-owned. West thought that in the wake of Dutch-owned Reed Elsevier's $1.5 billion purchase of West's primary American competitor, Mead Data Central, the Star Tribune would do a story on how a relatively small Minnesota company was holding its own against massive foreign competitors.

Wrong. While the Star Tribune's editors sent West placating letters declaring their intention to write a balanced story, the writers relentlessly focused on West. And now, given the appearance of West's name in the sensational headline of the story, and its single-minded focus on West and the conduct of West executives, how can the Star Tribune state publicly, as it has, that West was not even a focus in the report? West was purposefully misled.

The Star Tribune story also did an enormous disservice to the honorable people serving in America's federal judiciary. The Devitt Award, according to the Star Tribune, was intended to be the "Nobel Prize for the federal judiciary." Indeed, as the Star Tribune acknowledges, the Devitt Award has become a "prestigious" award whose "recipients chosen over the years have been worthy of honor." Judges who have received the award "have shown courage in handling civil rights matters and creativity in improving the administration of justice."

So how can the Star Tribune blithely infer that the same distinguished judges who, through their integrity and courage, are deserving of such a respected award, would engage in misconduct to benefit West? Clearly the Star Tribune cynically plays upon the public's mistrust of government institutions, leaving the casual reader with the impression that another great institution has fallen victim to misplaced ethics.

Such allegations are doubly outrageous given the article's unequivocal statements that "West broke no laws in making the gifts," and that "the award complies with all laws and ethics codes." Is the Star Tribune the brave new arbiter of illusory judicial standards? Why, even the Star Tribune's own handpicked ethics expert had to admit that "it is perfectly legitimate for a law book publisher to sponsor such an award—I've nominated someone myself—and to enlist the aid of judges in selecting the recipients and to pay their reasonable expenses in fulfilling that selection obligation."

Finally, the Star Tribune established no link between the Devitt Award and court cases resolved in West's favor because no such link exists. With regard to the U.S. Supreme Court cases cited by the Star Tribune, the court did not hear the cases. Rather, the justices declined to review the rulings of lower courts—something they do with 96 percent of the cases that come their way. In the face of this overwhelming percentage, what evidence did the Star Tribune uncover to support its lurid reference that, but for West's influence, any one of those cases were special enough to warrant review? Absolutely none.

In fact, the petitions involving West were rejected by the Supreme Court because they were simply without merit. Yet the Star Tribune, finding no evidence to suggest otherwise, turns instead to the predictable sour grapes of losing attorneys for accusations of misdeeds. The article also quoted out of context an unnamed federal appeals court judge who asks an attorney challenging West, "Did West do something to make you mad?" Placed in the proper context, the judge was asking precisely the right question, since the issue before the court was whether there was an actual controversy in the first place. The quoted judge was frustrated over the other party's failure to identify a dispute that the court could resolve. It's all there in the transcripts and pleadings, but the Star Tribune chose to ignore it.

In short, the Star Tribune expended enormous resources to concoct a self-serving, long-winded and repetitive story that trashed a fine, old Minnesota company, reached no constructive conclusion, found no improper behavior and left readers asking, "So what?" But most importantly, the story took several poorly aimed and ill-advised shots at the pinnacle of the American judiciary. It was all unnecessary and unfortunate. The people of Minnesota and the readers of the Star Tribune deserve better.

UNITED STATES-UNITED KINGDOM AVIATION RELATIONS

Mr. PRESSLER. Mr. President, I rise today to discuss a matter of great importance to U.S. passenger and cargo carriers. I refer to aviation relations between the United States and the United Kingdom. The strategic location of the United Kingdom makes it a key crossroad for international traffic. It is a gateway to Europe and an important link in the global aviation market.

A liberalized, balanced air service agreement between the United States and the United Kingdom is in the best interest of both countries. Of equal importance, the increased competition resulting from such an agreement would benefit consumers on both sides of the Atlantic. Unfortunately, our current bilateral aviation agreement—the Bermuda II Agreement—is anticompetitive, nowhere near balanced, and harms consumers.

First, the agreement is terribly restrictive. For example, presently only two U.S. carriers—American Airlines and United Airlines—can serve London Heathrow Airport and they can do so only from specific cities. This is particularly significant since Heathrow is the most important international gateway airport in the world. Also, the number of passengers carried to the United Kingdom by United States airlines is severely constrained by the Bermuda II Agreement. Without question, Bermuda II is our most restrictive bilateral aviation agreement.

Second, the air service agreement is grossly imbalanced in favor of the British. Currently, United Kingdom airlines carry approximately 60 percent of the transatlantic passengers between the United States and the United Kingdom. In 1976, U.S. air carriers had around 60 percent of the transatlantic passenger market share. The British found that state of affairs intolerable. In fact, the United Kingdom relied on this inequitable balance as the basis for renouncing the Bermuda I Agreement.

The British were right. A 60 percent-40 percent imbalance is intolerable. It must be corrected. U.S. carriers are highly competitive and, but for Bermuda II, the market would not be skewed in this manner. I am willing to put our highly efficient carriers up against any foreign carriers. Given the chance, I am confident they will successfully compete in any market worldwide.

Finally, Bermuda II is undesirable for consumers because it limits competition. Consumers on both sides of the Atlantic would benefit greatly from increased competition in the United States-United Kingdom transatlantic market. Bermuda II does not discriminate, it harms British consumers as well as United States travelers.

Mr. President, earlier this year the United States began pressing for a liberalized, market oriented aviation agreement with the United Kingdom. This is not the first time we have tried to secure an air service agreement on this basis. In fact, for more than 50 years the United States has repeatedly tried to get the United Kingdom to embrace an air service agreement based on free-market principles. Our current position is not new, nor is it novel.

Unfortunately, for more than 50 years, these attempts have consistently been rebuffed by the British who are very concerned about the prospect of unrestrained head-to-head competition with United States carriers. Many aspects of our trade relationship with the United Kingdom are open and unrestricted. Aviation certainly is not one of them.

The current round of negotiations that began earlier this year did, however, start a process which hopefully will ultimately result in a liberalized air service agreement. The phase 1 deal agreed to by the United States and the United Kingdom last month is a step in the right direction, but we have a long, long way to go.

Hopefully, the momentum of the phase 1 deal will carry over into phase 2 negotiations which began recently in London. I hope we can secure a phase 2 deal this fall that increases access to Heathrow and Gatwick Airports, and liberalizes cargo services, pricing, and charter flights. Such an agreement would be another significant step. It would be a welcome development. However, even if we reach consensus on a phase 2 agreement, we must not stop there. The United States and the United Kingdom must continue working together to fully liberalize our aviation relations.

Mr. President, I wish to briefly discuss two important related issues. First, is the United States' request for additional Heathrow access fair and realistic in light of current capacity limitations at that airport? Second, does the United States have enough leverage in negotiations to obtain a liberalized air service agreement?

Several weeks ago I met in London with key United Kingdom transport officials and aviation executives to better evaluate each of these questions. I believe the answer to both questions is "yes." Let me explain my conclusions.

Heathrow Airport, like four airports in the United States, is a slot-controlled facility. By this I mean it has a limited number of takeoff and landing slots. I was aware Heathrow handles a substantial amount of passenger and cargo traffic. However, I was surprised to discover Heathrow also is an airport with significant unused capacity.

In the short-term, operational changes at Heathrow could immediately create much-needed additional runway capacity. For instance, presently Heathrow's two runways function on what is called segregated mode operations. What this means is one runway is used exclusively for takeoffs while the other is used exclusively for landings. Operating runways in this manner is quite inefficient.

In the United States, most of our major airports use mixed-mode runway operations. This means landing and departing traffic is sequenced and mixed on the same runway. Mixed-mode operations are very efficient and very safe. They enable an airport to maximize runway capacity.

What would result if Heathrow switched its runways to mixed-mode operations? It has been estimated hourly runway capacity would increase by about 18 percent. This would mean potentially an additional 7 arrivals and 7 departures per hour, and more than 100 new arrivals and 100 new departures daily. For an airport which purportedly has no additional capacity, this is very significant indeed.

Some adjustments in airspace operations and ground movement management would be needed to capture the full traffic benefits of this switch in runway operations. Let me add that I understand the noise climate around Heathrow has been improving for many years and, due to newer and quieter jets, increased operations should not pose an environmental problem.

I wish I could take credit for this excellent idea. The credit, however, goes to British Government and industry projects which have studied the Heathrow capacity problem. It was a conclusion of the British Civil Aviation Authority study on runway capacity that was released in 1993. The source of the statistics to which I refer is the August 1994 report of the Heathrow Airport Runway Capacity Enhancement Study. On June 22, 1995, the House of Commons Transport Committee commenced an inquiry into airport capacity issues in the United Kingdom. Among the issues it will consider is underutilization of airport capacity and, in that regard, methods of runway operations.

In the longer term, there is a proposal to add a new terminal at Heathrow that will significantly increase airport capacity. According to a report by BAA plc, the dynamic private company that owns and operates Heathrow, the proposed new terminal 5 would allow Heathrow to handle 30 million more passengers a year.

Time and time again United States negotiators are told by their very skilled British counterparts there is no additional capacity at Heathrow. I understand the British sang the same song in negotiations in London earlier this month. We should confront the British negotiators with these facts and supporting studies.

Let me turn to the important question of whether we have enough leverage to get the British to agree to a fully liberalized aviation agreement. The Aviation Subcommittee of the Commerce, Science, and Transportation Committee considered that issue during a hearing several months ago. Understandably, a number of Senators were concerned the United States has squandered its leverage by giving the British too many aviation rights in the past without obtaining equal benefits. That criticism of negotiations prior to 1995, particularly those which led to the Bermuda II Agreement in 1977, is warranted. We have given, so to speak, with both hands.

I disagree, however, that the United States has nothing of value left which will enable us to obtain a liberalized aviation agreement with the British. We still hold the ultimate leverage, the most important bargaining chip of all. We control the substantial economic benefit the United Kingdom presently enjoys as a result of United States carrier business.

There was a time when geographic factors and technological limitations made the United Kingdom the international gateway of necessity for United States carriers serving Europe and beyond. The British skillfully played this bargaining chip for all that it was worth. In fact, they continue to operate on this outdated premise.

Times have changed. New generation, long-range aircraft have made the option of overflying the United Kingdom to gateway airports on the European Continent an option that is viable from both an operational and economic

standpoint. Moreover, open skies agreements with European countries have made clear to the United States and to U.S. carriers that these nations want our business. If the United Kingdom does not promptly revise its thinking, it may well see United States carriers look beyond the United Kingdom to the European Continent for international gateway opportunities.

Recent developments in our aviation relations with countries on the European Continent have quite understandably caused our carriers to seriously consider opportunities beyond the United Kingdom. Since the United States and The Netherlands signed an open skies accord in 1992, the resulting growth of international traffic to Amsterdam's Schiphol International Airport has been quite significant. Our very recent open skies agreements with Austria, Denmark, Finland, Iceland, Luxembourg, Norway, Sweden, and Switzerland should also create new continental opportunities. An open skies agreement with Belgium that is expected soon will have the same effect.

The greatest catalyst for this movement of United States air service business to the European Continent, however, would be an open skies agreement with Germany. I welcome reports that aviation negotiations between the United States and Germany earlier this month went very well. Also, I am pleased German Transport Minister Matthias Wissmann came to Washington last week to meet with Secretary Peña. United States-German aviation relations are moving in the right direction.

An open skies agreement with Germany would make the airports in Munich and Frankfurt very attractive to United States carriers who are frustrated they cannot obtain sufficient access to Heathrow and Gatwick. I understand a new airport also is planned in Berlin. In combination with international airports in European countries with which we have open skies agreements—particularly Amsterdam's Schiphol International Airport—German airports represent significant competition to United Kingdom airports.

BAA plc, which owns and operates Heathrow, makes my point very succinctly. In a recent publication, BAA perceptively observed: "Airlines and passengers are free agents. If extra capacity is not developed at Heathrow, the airport will not be able to satisfy demand and airlines will expand their business at continental airports." BAA added, "if airlines are denied the opportunity to grow at Heathrow, many will choose Paris, Frankfurt or Amsterdam." BAA is absolutely right.

Before it is too late, I hope the United Kingdom Department of Transport recognizes the United Kingdom no longer has a monopoly as an international air travel gateway for United States carriers. The economic stakes for the United Kingdom are very high.

Mr. President, I remain hopeful the British will liberalize their air service agreement with our country. It is in the best interest of both countries to do so. As British negotiators again posture over Heathrow access and other important elements of the phase 2 deal such as liberalization of cargo services, I hope they fully understand the implications of new opportunities for United States carriers in continental Europe. An open skies agreement with Germany would really drive home this point.

I ask unanimous consent that a recent article appearing in the Financial Times describing my view of the impact an open skies agreement between the United States and Germany would have on United States-United Kingdom aviation relations be printed in the RECORD.

I further ask unanimous consent that a letter I recently sent to Sir George Young, the new United Kingdom Secretary of State for Transport, which describes my concern about the current state of United States-United Kingdom aviation relations also be printed in the RECORD.

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

[From the Financial Times, July 6, 1995]

SENATOR PILES ON HEATHROW PRESSURE

(By Michael Skapinker)

Airlines in the US might look to Germany to provide a new European gateway airport if London's Heathrow is not opened to American carriers, Senator Larry Pressler, chairman of the US Senate Commerce and Transportation Committee said yesterday.

Senator Pressler, who was in London for talks with UK officials, said: "With longer-range new generation aircraft, frustrated US carriers may well look beyond the UK for another international gateway airport. An open skies agreement with Germany, which may result from the US-Germany bilateral air talks later this month, will add much fuel to this fire."

Senator Pressler said, however, that he favoured raising the maximum stake that foreign airlines can hold in US carriers to 49 per cent from the current ceiling of 25 per cent.

Sir Colin Marshall, chairman of British Airways, said this week that if the US wanted greater access to Heathrow, it would have to lift maximum ownership limits in its airlines and allow greater co-operation between UK carriers and their American partners.

Senator Pressler, whose committee is to hold hearings on US aviation policy next week, said he recognized that Heathrow was congested. He said, however, that there were several operational changes which could be made to allow the airport to accommodate more traffic. These included using the airport's two runways for both landings and take-offs. Heathrow currently has landings and take-offs on separate runways.

Senator Pressler said that although he was a Republican, he supported the way the US had negotiated with the UK under Mr. Federico Peña, the US transportation secretary. Mr. Peña has been criticised in Congress for taking too timid an approach to the UK.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC, July 14, 1995.

Rt. Hon. SIR GEORGE YOUNG MP,
Secretary of State for Transport, Department of Transport, 2 Marsham Street, London SW1P 3EB, United Kingdom.

DEAR SIR GEORGE: Congratulations on your recent appointment as Secretary of State for Transport. On July 3rd I met in London with your predecessor, Dr. Mahwinney, in a very informative session. I hope that we can continue the dialogue Dr. Mawhinney and I started.

As I told Dr. Mahwinney, I am very hopeful the Phase 1 agreement last month will be the first step in liberalization of the U.S./U.K. bilateral aviation agreement. U.S. carriers are understandably very concerned over recent statistics indicating U.K. carriers now serve approximately 60 percent of the transatlantic passenger traffic between our countries. Historically, as you know, both countries have regarded a 60/40 imbalance to be unacceptable.

I believe a balanced, liberalized air service agreement is in the best interest of both countries. Of equal importance, increased competition that would result from such an agreement would be beneficial for consumers on both sides of the Atlantic. If your travels bring you to Washington, D.C., I would enjoy having the opportunity to discuss these issues with you in person.

Sincerely,

LARRY PRESSLER,
Chairman.

Mr. DOMENICI. 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.

Mr. DOMENICI. 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. DOMENICI. What is the pending business?

The PRESIDING OFFICER. The pending business is H.R. 1905.

Mr. DOMENICI. Mr. President, parliamentary inquiry; am I correct that at 2 p.m. we will leave this energy and water appropriations bill and then take up the State Department authorization bill?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. What is the status of that bill? Is there a cloture petition pending on that?

The PRESIDING OFFICER. The cloture petition was filed on Friday and will mature tomorrow.

Mr. DOMENICI. Has a time been set for a vote on that?

The PRESIDING OFFICER. Not at this time.

Mr. DOMENICI. Mr. President, parliamentary inquiry; in the event that that State Department/foreign assistance bill is removed from the calendar postcloture tomorrow, what would the pending business then be?

The PRESIDING OFFICER. The question would occur on H.R. 1905.

Mr. DOMENICI. I thank the Chair.

Mr. President, I yield myself 10 minutes, then there will be 10 minutes for my friend, the ranking member, Senator JOHNSTON. I do not believe we will be able to accomplish much business, but the energy and water bill is pending.

I am pleased to bring H.R. 1905, the energy and water development appropriations bill for fiscal year 1996 before the Senate for its consideration. The bill was passed by the House on July 12, less than 3 weeks ago, with a vote of 400 to 27.

The Senate Energy and Water Development Subcommittee marked up the bill on July 25. The full committee reported it out 28 to 0 last Thursday, July 27. The bill and report have been available to Senators and their staff since last Friday, July 28.

Although the Appropriations Committee has moved quickly to prepare the bill, the quality of this legislation, in my opinion, has not suffered. While we are under extreme budgetary pressures resulting from the budget resolution's mandate of erasing the Federal deficit over the next 7 years, and our desire to restrain Federal spending, the bill before the Senate is well balanced and equitable. The committee has done the best job possible under very difficult circumstances.

I first want to thank the former chairman of the subcommittee, and now ranking member, Senator JOHNSTON, for his assistance in developing this year's bill. The distinguished Senator from Louisiana has been the chairman or ranking member on this subcommittee for many years, and is intimately familiar with every aspect of the energy and water bill. He has been helpful at every step of the way, and his guidance and insight have been invaluable to me and the other members of the subcommittee.

I also thank the chairman of the full Appropriations Committee, and former chairman and ranking member of the Energy and Water Development Subcommittee, Senator HATFIELD, for his help in bringing this bill before the Senate. Senator HATFIELD has extensive knowledge of the programs funded in this bill, and we relied on his expertise on several occasions during the past few weeks. As chairman of the full committee, the distinguished Senator from Oregon has the tremendous responsibility of ensuring that all 13 appropriations bills will be enacted prior to the end of the fiscal year. At the rate the committee is reporting the bills to the Senate, it appears that we will reach that objective. What happens after we have reported them out and gone to conference and reported them out of conference and through the floors of both bodies, I do not know.

Mr. President, the Energy and Water Development Subcommittee funds programs in both the defense and nondefense areas. Our total 602(b) allocation is divided between these two categories, and is consistent with the budget resolution's firewalls separating defense and nondefense spending.

Although we are below our total 602(b) allocation for both budget authority and outlays, we are constrained by our budget authority allocation for defense programs, and our outlay allocation for nondefense. There is no room left in our allocation to fund programs in either the defense or nondefense areas.

If we were to fund them, or fund them differently, we will have to take away from funding in the bill. I remind Senators, if they choose to take money from the defense portion—and obviously you can ask which portion it is, but I think it is clearly understandable within the budget—if they choose to move defense money to a nondefense program, it is subject to a point of order under the Budget Act and clearly would violate the spirit of the budget resolution of this year. So it is not going to be easy for Senators to have amendments on the nondefense side because they are going to only look to that portion of this bill that is nondefense to try to move money around. That is just the way it is, and especially when you put a firewall up, which we have now imposed for the next 3 years.

Let me give the Senate and those interested in appropriations a little bit of an overall picture.

Fifty-seven percent of the funds in the bill are dedicated to programs in the atomic energy defense activities areas, including nuclear waste cleanup activities. A total of $11,445,981,000 in budget authority and $10,906,895,000 in outlays is recommended. This is consistent with the budget resolution crosswalk of $11,447,000,000 in budget authority, and $10,944,000,000 in outlays, and the crosswalk is identical to our 602(b) allocation.

The areas where we are recommending the largest reductions in spending are the nondefense programs—the Army Corps of Engineers, the Bureau of Reclamation, nondefense programs in the Department of Energy, and the independent agencies—which comprise only 43 percent of the bill.

The total amount recommended for nondefense domestic discretionary spending is $8,716,112,000 in budget authority and $9,271,155,000 in outlays. This is right up against our nondefense outlay ceiling, as I have heretofore described. The nondefense total for budget authority is $1,458,107,000 below the current year, $819,108,000 below the President's budget request, and $481,888,000 below the budget resolution crosswalk.

Due to this dramatic reduction in nondefense spending, the Subcommittee's ability to fund new initiatives is extremely limited, and many existing programs are cut significantly below both the current year and the President's request. For example, we are proposing the following major reductions to current year spending levels:

Army Corps of Engineers—Down $234.6 million;

Bureau of Reclamation—Reduced $64.7 million;

Solar and renewable energy—Reduced by $104.5 million;

Fusion energy—Cut $147.4 million;

Appalachian Regional Commission—Down $100 million; and

Tennessee Valley Authority—A $32.5 million cut.

We are proposing to terminate the following programs or new initiatives within the Department of Energy:

Electric systems reliability research;

Russian replacement power initiative;

Civilian waste research and development;

University research instrumentation;

The technology partnership program; and

The in-house energy management program.

The subcommittee also had proposed to agree with the administration's budget request to terminate the Department of Energy's nondefense advanced reactor program. An amendment during the full committee markup, however, restored $12.5 million for the Gas Turbine—Modular Helium Reactor Program. The subcommittee had included $7.5 million in its mark for termination costs associated with the gas cooled reactor, and an additional $5 million was added to reach the $12.5 million level recommended by the amendment.

Although we are proposing some significant changes in the nondefense activities of the Department of Energy, we have done our best to protect basic science research. It is true that we are proposing major reductions to such worthy programs as solar and renewables and fusion energy, but we have held the line on biological and environmental research, basic energy sciences, and high energy and nuclear physics.

These are the fundamental, basic science missions of the Department of Energy, and are the core competencies we feel are most in need of protection. These programs will have a direct influence on the ability of the Nation to keep pace in many technologically demanding areas, and will support future missions in areas such as the human genome program, one of the world's greatest wellness programs. If it succeeds, we may find cures for thousands of ailments that beset humanity across the world. Other medical research activities, global environmental research, materials and chemical sciences, the physical sciences, and others are retained at high levels to keep us on the cutting edge.

Although we are recommending significant program reductions, we believe we have drafted a more balanced bill than the House. We have restored funds above the House levels for the following programs:

Defense environmental restoration and waste management—$724.3 million;

Solar and renewable energy—$17.2 million;

Soviet designed reactor safety—$40 million;

Biological and environmental research—$48.9 million;

Nondefense laboratory technology transfer—$25 million; and

University science and education—$30 million.

Another topic deserving mention is the subject of authorizing bill language. We have received numerous requests to include authorizing language for the Corps of Engineers and the Bureau of Reclamation. Unfortunately, due to conflicts with the authorizing committees, we have not been able to accommodate these requests. We are hopeful the authorizing committee will pass a bill this year, and relieve us of these pressures.

At this point, Mr. President, I would like to briefly summarize the bill as reported by the committee.

Title I of the bill funds the water resource development activities of the U.S. Army Corps of Engineers, Civil Works Program. The total new budget authority recommended is $3,174,512,000, a reduction of $234.4 million from the currently enacted level, and $132.9 million below the budget request. The corps' water resources program provides lasting benefits to the Nation in the areas of flood control, municipal and industrial water supply, irrigation, commercial navigation, hydroelectric power, recreation, and fish and wildlife enhancement.

The committee has rejected the administration's proposals to radically change the civil works mission for the Corps of Engineers. Were these proposals to go into effect in fiscal year 1996, the corps would be involved in only those projects and proposals deemed to be of national scope and significance. While it may at first seem reasonable that the Federal Government only be involved in programs of national significance, a closer look makes it apparent that they were ill-conceived and are counterproductive to the well-being of the Nation.

And the committee has rejected them by not affirming them and acting on some projects in disregard of that new definition.

The most far-reaching of these proposals involves the Corps of Engineers' role in protecting our citizens from the devastating effects of floods. Under the administration's proposal, the corps would only participate in projects that meet the following three criteria: First, more than one-half of the damaging flood water must come from outside the boundaries of the State where the damage is occurring; second, the project must have a benefit-to-cost ratio of 2 or greater; and third, the non-Federal sponsor must be willing and able to pay 75 percent of the first cost of the project. The practical effect of applying those criteria against all proposed projects would be to terminate the Federal Government's role in flood control activities.

The first criterion alone would eliminate the corps' role in flood control throughout much of the country, including three of our largest States: California, Texas, and Florida. Terminating the Federal Government's role in flood control activities as a way to save money clearly is not one that this committee has decided is right nor is it necessary under moneys we have available. We can continue with a lesser program without tying its hands that much.

The committee also has rejected the administration's proposals to terminate the Federal role in shore protection projects and smaller navigation projects.

Title II of the bill funds activities associated with the Department of the Interiors' Bureau of Reclamation and the central Utah completion project. Total funding recommended for these activities is $816,624,000. This is a reduction of $64.8 million from the current year's level, and $16.4 million below the budget request.

Programs and activities of the Department of Energy comprise title III of the bill, and a total of $16,235,359,000 in new budget authority is recommended. Programs funded under this title relate to: energy supply, research and development activities, uranium supply and enrichment activities, the uranium enrichment decontamination and decommissioning fund, general science and research activities, the nuclear waste disposal fund, atomic energy defense activities, departmental administration, the Office of the Inspector General, the Power Marketing Administrations, and the Federal Energy Regulatory Commission.

For atomic energy defense activities, the committee recommends a total of $11.429 billion in new budget authority. The programs funded in this area include stockpile stewardship, stockpile management, defense environmental restoration and waste management, verification and control technology, and others. Well over half of the total atomic energy defense activities funds, almost $6 billion, is for the Environmental Restoration and Waste Management Program. The committee's recommendation is $724 million above the House for this critical program focused on cleaning up and managing existing waste at various atomic weapons production sites.

Under the energy supply, research and development account, the committee proposes an appropriation of $2,798,324,000 to fund such programs as solar and renewable energy, nuclear energy, biological and environmental research, fusion energy, basic energy sciences, and other activities.

One of the most difficult decisions made by the committee concerns the Civilian High Level Radioactive Waste Management Program in the Department of Energy. Because the administration requested no discretionary appropriations for the program, the committee has been forced to recommend a course of action designed to put the Nation's civilian nuclear waste program back on track.

Accordingly, the committee recommends a total funding level of $400 million—$151.6 million from the nuclear waste fund and $248.4 million from the defense nuclear waste disposal account—for nuclear waste activities. Furthermore, due to the delay in site characterization activities at Yucca Mountain, and the need for the Federal Government to begin accepting commercial spent nuclear fuel from the Nation's nuclear utilities in 1998, the committee recommends a provision in the bill to establish an interim storage facility at a site yet to be determined.

Finally, Mr. President, the committee proposes a total of $330,941,000 in new budget authority for a number of independent agencies funded under title IV of the bill. This includes such agencies as the Nuclear Regulatory Commission, the Appalachian Regional Commission, and the Tennessee Valley Authority.

Mr. President, I yield to my friend, the ranking member, Senator BENNETT JOHNSTON of Louisiana.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I thank my colleague for his kind remarks about me. And I want to say, Mr. President, that this is Senator DOMENICI's first appropriations bill but he is a veteran of great leadership in many areas in the Senate, and he has taken to the appropriations process like a duck in water and has put together an excellent bill.

The relationship that I have had over a period of, I think, 18 years with Senator HATFIELD, the Senator from Oregon, who is now the chairman of the full committee—but for those 18 years he and I have switched off as chairman and as ranking minority member of this committee—that relationship is being continued, I am pleased to say, with the Senator from New Mexico [Mr. DOMENICI]. He is a long-time leader in the Senate and long-time friend, and it is a pleasure to work with him on this bill.

This bill is a very, very difficult one, the 602(b) allocation in domestic programs having been cut substantially from what it was last year. And that

means that the needs and certainly the requests of our colleagues could simply not be met, Mr. President, because the resources were so minimal in this bill. But the Senator from New Mexico, as a magician, has done an excellent job in at least dealing with the most important priorities in the bill, and I think putting together an excellent bill.

Mr. President, I am pleased to join with the senior Senator from new Mexico [Mr. DOMENICI] in presenting to the Senate the energy and water development appropriation bill for the fiscal year 1996 beginning October 1, 1995. This bill, H.R. 1905, passed the House of Representatives on July 12, 1995, by a vote of 400 yeas to 27 nays. The Subcommittee on Energy and Water Development marked up this bill on July 25, 1995, and the full committee marked it up and reported the bill Thursday, July 27, 1995.

At the outset, I want to commend the chairman of the subcommittee, Senator DOMENICI. This is the first time he has handled an appropriation bill as chairman, and he has done an excellent job in putting this bill together, under very difficult budgetary constraints and circumstances. He is an outstanding Member of the Senate and I am pleased to work with him in connection with this bill and on other matters.

I also want to thank the distinguished Senator from Oregon, Senator HATFIELD, the chairman of the full Committee on Appropriations. Senator HATFIELD and I had probably one of the longest running twosomes in the Appropriations Committee on the Energy and Water Development Subcommittee, I having chaired on and off for a number of years, and Senator HATFIELD having chaired on and off for a number of years, and having rotated as ranking minority member. Beginning this year, of course, Senator HATFIELD is chairing a different subcommittee. We always shared a productive, pleasant, bipartisan, and always, I think, the kind of relationship that Senators seek and glory in when it is present. I treasure his friendship and appreciate the cooperation and assistance given to me.

Mr. President, the Senator from New Mexico has presented the committee recommendations and explained the major appropriations items, as well as the amounts recommended, so I will not undertake to repeat and elaborate on the numerous recommendations. Instead I will just have a few brief remarks summarizing the bill.

PURPOSE OF THE BILL

The bill supplies funds for water resources development programs and related activities, of the Department of the Army, civil functions—U.S. Army Corps of Engineers' civil works program in title I; for the Department of the Interior's Bureau of Reclamation in title II; for the Department of Energy's energy research activities—except for fossil fuel programs and certain conservation and regulatory functions—including atomic energy defense activities in title III; and for related independent agencies and commissions, including the Appalachian Regional Commission and Appalachian regional development programs, the Nuclear Regulatory Commission, and the Tennessee Valley Authority in title V.

SECTION 602(B) ALLOCATION FOR THE BILL

The Energy and Water Development Subcommittee allocation under section 602(b)(1) of the Budget Act totals $20,180,000,000 in budget authority and $20,216,000,000 in outlays for fiscal year 1996. Of these amounts the defense discretionary allocation is $11,447,000,000 in budget authority and $10,944,000,000 in outlays.

For domestic discretionary the budget authority allocation is $8,863,000,000 and the allocation for outlays is $9,272,000,000. The committee recommendation uses nearly all of the budget authority allocation in both categories, so there is no room for add-ons to the bill as there are no additional outlays available for spending. Therefore, any amendments to add will have to be offset by reductions from within the bill. The bill is approximately 57 percent in the defense [050] function and about 43 percent for domestic discretionary programs.

SUMMARY OF RECOMMENDATIONS

Mr. President, the fiscal year 1996 budget estimates for the bill total $20,681,648,000 in new budget obligations authority. The recommendation of the committee provides $20,162,093,000. This amount is $520 million under the President's budget estimate and $1,464,636,000 more than the House-passed bill.

Mr. President, I will briefly summarize the major recommendations provided in the bill. All the details and figures are, of course, included in the committee report number 104–102, accompanying the bill, which has been available since last Friday.

TITLE I, ARMY CORPS OF ENGINEERS

First, under title I of the bill which provides appropriations for the Department of the Army civil works program, U.S. Army Corps of Engineers, the recommendation is for a total of new budget authority of $3,174,512,000, which is $45 million below the House and $133 million less than the budget estimate. it is $234 million less than the fiscal year 1995 appropriation.

The committee received a large number of requests for various water development projects including many requests for new construction starts. However, as the chairman has stated, due to the limited budgetary resources, the committee could not provide funding for each and every project requested. The committee recommendation does include a small number of new construction starts and has deferred without prejudice several of the largest of the projects eligible for initiation of construction. Because of the importance of some of these projects to the economic well-being of the Nation, the committee will continue to monitor each project's progress to ensure that it is ready to proceed to construction when resources become available. As the committee reports points out, the committee recommendation does not agree with the policies proposed by the administration in its budget.

TITLE II, DEPARTMENT OF THE INTERIOR

For title II, Department of the Interior Bureau of Reclamation, the recommendation provides new budget authority of $816,624,000 million, which is $16 million less than the budget estimate and $40 million under the House bill.

TITLE III, DEPARTMENT OF ENERGY

Under title II, Department of Energy, the committee provides a total of $16.2 billion. This amount includes $2.8 billion for energy supply, research and development activities, a net appropriation of $29 million for uranium supply and enrichment activities; $279 million for the uranium enrichment decontamination and decommissioning fund, $971 million for general science and research activities, $151.6 million from the nuclear waste disposal fund, and $6.6 billion for environmental restoration and waste management—defense and nondefense.

For the atomic energy defense activities, there is a total of $11.429 billion comprised of $3.752 billion for weapons activities; almost $6.0 billion for defense environmental restoration and waste management; $1.440 billion for other defense programs and $248 million for defense nuclear waste disposal.

For departmental administration $377 million is recommended offset with anticipated miscellaneous revenues of $137 million for a net appropriation of $240 million. A total of $312.5 million is recommended in the bill for the power marketing administrations and $131 million is for the Federal Energy Regulatory Commission [FERC] offset 100 percent by revenues.

A net appropriation of $197 million is provided for solar programs, including photovoltaics, wind, and biomass and for all solar and renewable energy, $283.5 million, an increase of over $17 million over the House bill.

For nuclear energy programs, $280 million is recommended, which is about $13 million less than the current level. The major programs provided for included funds to continue the advanced light water reactor program at $40 million and about $73 million in termination costs. The sum of $12.5 million is included for the gas turbine-modular helium reactor [GT–MHR], also known as the gas reactor which I strongly support.

For the magnetic fusion program, the committee is recommending $225 million, which is $141 million less than the

budget. An amount of $428.6 million is included for biological and environmental research and $792 million for basic energy sciences.

TITLE IV, REGULATORY AND OTHER INDEPENDENT AGENCIES

A total of $331 million for various regulatory and independent agencies of the Federal Government is included in the bill. Major programs include the Appalachian Regional Commission, $182 million; Nuclear Regulatory Commission, $474.3 million offset by revenues of $457.3 million; and for the Tennessee Valley Authority, $110.4 million.

Mr. President, this is a good bill. I wish there were additional amounts for domestic discretionary programs in our allocation but that is not the case. A large number of good programs, projects, and activities have been either eliminated or reduced severely, because of the allocation, but such action is required under the budget constraints we are facing. I hope the Senate will act favorably and expeditiously in passing this bill so we can get to conference with the House and thereafter send the bill to the White House as soon as possible.

Mr. President, I yield the floor with just the parting comment that it is a pleasure to work with the Senator from New Mexico and with the chairman of the full committee, Mr. HATFIELD.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

FOREIGN RELATIONS REVITALIZATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 908, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 908) to authorize appropriations for the Department of State, for fiscal years 1996 through 1999 and to abolish the United States Information Agency, the United States Arms Control and Disarmament Agency, and the Agency for International Development, and for other purposes.

The Senate resumed consideration of the bill.

Mr. HELMS. Mr. President, I am pleased that the Senate has finally proceeded to S. 908, the Foreign Relations Committee's Foreign Relations Revitalization Act of 1995.

This is hallmark legislation, and it represents the first proposal to revamp U.S. foreign affairs agencies since the end of the cold war. It is forward looking legislation that puts our Nation's interests first and instructs the United States to organize and streamline its operations for the 21st century, which is just around the corner.

I wish I had the ability of Abraham Lincoln, who so ringingly affirmed the essence of what we are as a nation. And he did it on the back of an envelope. There are not many individuals who have Lincoln's wisdom, and certainly I do not, but I can say that in drafting this bill, the Senate Foreign Relations Committee relied heavily on the wisdom of many individuals and on numerous studies made by several administrations of both parties. Those studies focused on how the United States could better organize its foreign affairs institutions. We have received the counsel of five former U.S. Secretaries of State whose services spanned the past two decades. And those five former Secretaries of State have endorsed this legislation wholeheartedly.

After careful review of our proposal, these five former Secretaries of State met with us, talked with us, and gave broad support to our effort. Of course, that pleased me very much, and I am grateful to them. Let me just give a few examples of what they said.

Former Secretary of State James Baker III asserted that he considers our proposal "breathtaking in its boldness and visionary in its sweep." Henry Kissinger described S. 908 as "a bold step in the direction of," as he put it, "centralizing authority and responsibility for the conduct of foreign affairs where it properly belongs—in the President's senior foreign affairs adviser, the Secretary of State."

Former Secretary of State Alexander Haig "heartily" endorsed the committee's reorganization proposal, and even Mr. Clinton's Secretary of State, Secretary Christopher, with whom I worked closely and whom I respect greatly, concluded that a plan to abolish the U.S. Information Agency, the Agency for International Development, and the Arms Control and Disarmament Agency made sense.

In November 1994, just after the election, Secretary Christopher presented his own reorganization plan to the Vice President's office. Now, the Vice President, a former Senator with whom all of us have served, or practically all of us, has had much proclamation and assertions, declarations that we are going to reinvent Government. That is AL GORE's press agent speaking for him.

Anyway, in November, when Secretary Christopher presented his own reorganization plan to AL GORE's office, there was intense interagency lobbying at the White House. Boy, they were running around like a bunch of road runners. After an intense period of this ferocious lobbying at the White House, Secretary Christopher's plan lost out to those whose interests appeared to care more about protecting their bureaucratic turfs than in the reinvention of Government for the post-cold-war world.

So Mr. Christopher had a proposal, but it was knocked down by the very office that was created to reinvent Government. Secretary Christopher is a good soldier. He swallowed hard and accepted what had happened to him.

Meanwhile, in its place, Vice President GORE promised the American public his own plan. He said it will be delivered—his own plan—to keep all of the bureaucratic agencies and cut $5 billion, nonetheless, out of the foreign affairs budget for the next 5 years.

That is sort of like jumping off a 300-foot diving board into a wet washcloth. He could not do it. But he said that is good news and I am glad to give it to you, and I guess a lot of people accepted it as good news. But the bad news is that the Vice President has yet to this very minute to release even one detail of his proposal, despite constant appeals from Members of Congress, including your humble servant now speaking. A lot of people of his own persuasion in the Congress, in both the House and Senate, have said, "Let us have it, let us have it." Silent in seven languages. There are no details. There are no plans from the Vice President's Office.

In fact, the United States State Department itself has yet to submit a formal authorization request for fiscal year 1996.

So you see the pattern, Mr. President. They promise a lot, they talk a lot, they brag on themselves a lot down on Pennsylvania Avenue and in Foggy Bottom, but when it comes to producing, nothing happens. It is all politics.

But in the absence of leadership from the executive branch, it was left to those of us in Congress to take the lead. On March 15, Senator SNOWE, the distinguished lady from Maine, and Chairman BEN GILMAN of the House committee, and I announced publicly a plan to restructure U.S. foreign affairs agencies. S. 908—now get that number, S. 908, because we are going to be talking about S. 908 a great deal in the coming days and weeks. It is the pending business in the Senate and it is the legislative realities of the plan that we worked so long and hard on with not one bit of cooperation from the administration. Not one iota of cooperation. They want to keep the bureaucracy intact. They are going to promise to cut spending, but they are not going to eliminate any bureaucrats.

The administration has rejected any attempt to join in helping us shape this initiative. Silent in seven languages. "Don't bother me," they said. The administration's response has been a confrontational one, and here I quote from some internal notes from one of the meetings on this legislation conducted in the administration and by the administration. Their plan to greet

this legislation, and we will watch and see what happens, their plan is to "delay this legislation, to derail this legislation, to obfuscate"—and I am quoting from their own memorandum, "to kill the merger."

So if we are even going to have an opportunity to vote on this bill, we are going to have to have a cloture vote, meaning that we will have to get a constitutional three-fifths of the U.S. Senate to vote to let us have a vote. Now whether we are going to get any help from the other side remains to be seen. It is going to be interesting to watch what happens on the other side

So what I am saying, Mr. President, is that the administration obviously, flagrantly has not wanted the Senate Foreign Relations Committee to produce any legislation that would reduce the bureaucracy which would cut down on foreign aid and all of the other things the American people have been demanding for so long.

The administration has refused cooperation at every juncture—every juncture, without exception. It has refused even to talk about a consolidation. It has refused to provide the Congressional Budget Office with the information that the Congressional Budget Office has to have in order to compute the billions of dollars the taxpayers will be saving by the pending legislation.

Talk about stonewalling, this is stonewalling to the nth degree. The concepts advocated in this bill have the force of history behind them and the support of the American people in making all of this become law. In other words, the polls show that the American people want this legislation. They do not want to keep the fat bureaucracy in place. They do not want to continue to spend billions upon billions of dollars on foreign aid in corrupt countries.

The question of why reorganize almost answers itself. Why? Let us say a few things about that. We must reorganize because eliminating the vast duplication, the incredible waste, the unnecessary bureaucracy offers the only—the only—opportunity to maintain U.S. presence overseas while out-of-control Federal spending is reined in at home.

Lacking any substance to their opposition, they began several months ago to throw around epithets. One of the administration's officials went down to the National Press Club, and he charged the committee, or the majority on the committee, and JESSE HELMS specifically, with being isolationists. This is puzzling, and I have to ask the question: Are Secretary Kissinger, Secretary Shultz, Secretary Haig, Secretary Baker, Secretary Eagleburger, are all five of them isolationists? Of course not. But the epithet works with this administration.

You can watch on various other things that are front and center on the agenda today. You can note what the President of the United States himself is saying on these things. They may not be true, but if they may persuade some voters, he is going to say it.

But I say this to the President of the United States, and to you, Mr. President, and to the American people: If Congress fails to seize this opportunity to consolidate, the international affairs budget will be large enough to cover the cost of the Federal employees and overhead the mass of bureaucracy now entails. The international affairs budget will be large enough to do all of that. There are only two choices—two, no more, no less: First, save smart through consolidation, or Second, eliminate Federal programs. I am tempted to say, will the real "isolationists" please stand up. But we cannot see the State Department and AL GORE's office from here.

The administration and its legions of bureaucrats and AID contractors have distorted the contents of this measure from the very beginning. I have been astonished at some of the things that have been said and fed to the newspapers, which gleefully publish it without checking on the accuracy. I must say that I am appalled by the administration's lack of understanding as to the enormous flexibility provided in this measure.

This consolidation plan provides greater flexibility to the executive branch than exists in current law. The only hitch is to abolish three outdated agencies. That is where the protests have come.

This bill does not legislate every position and office in the Department of State, and anybody who says to the contrary has not even read the bill.

Now, the committee provides guidance for the organizational structure of consolidation. S. 908, the pending bill, mandates 5 Under Secretary positions—the exact number mandated under current law—and provides authority for 20 Assistant Secretary positions, two of which are mandated. What do you know, current law mandates three. The bill before you allows the President and Secretary of State unparalleled flexibility to organize under the five senior positions at State. The committee provides $225 million over 2 years for transitional funds with extraordinary authorities. This is designed to ease and facilitate transition to a reduced Federal bureaucracy.

Now, for the purpose of emphasis, Mr. President, let me remind the Senate that the pending bill, S. 908, is the very first authorization bill this Senate has considered since the House and Senate budget agreed to achieve a balanced Federal budget by the year 2002. I am pleased and grateful that the Foreign Relations Committee has fulfilled its duty. We have done the best we can. If sheer, raw politics takes over and prevents the approval of this bill, or even a vote on it by this Senate, that will not be our fault.

This bill, S. 908, meets the Budget Committee targets, and it puts our international affairs budget on a trajectory to balance the Federal budget.

The Congressional Budget Office, who is pretty good at this thing, estimates that S. 908 will save more than $3.5 billion over 4 years—$3.66 billion to be exact. It will save almost $5 billion over the next 5 years, and these savings do not result from dramatic cuts in international programs. They result in dramatic cuts in the bloated Federal bureaucracy.

Now then, Mr. President, consolidation is the only available option to maintain our overseas presence at the budget levels that have been agreed to for the next 7-year period. They have been voted on by this Senate. If the administration succeeds in its efforts to shoot down this bill, the foreign affairs agencies will be in far worse shape than ever.

The House of Representatives, because they have different rules from the Senate, passed the companion bill, H.R. 1561, several weeks ago, and the House is ready to go to conference with the Senate if, as and when we pass this bill.

The able Senator from Massachusetts [Mr. KERRY], who has so faithfully supported his President, offered an amendment in the Foreign Relations Committee to consolidate these agencies. But the Senator's amendment provided only half the cost savings of the committee bill and, of course, that does not qualify. We have to meet the budget that we voted to approve in the U.S. Senate. Senator KERRY knows, notwithstanding the administration, that consolidation is the right thing to do. I have known JOHN KERRY for a long time, and I know that he understands the situation.

Well, I guess we are in sort of the position that Mark Twain once remarked about. He said, Mr. President, "Always do right. This will gratify some people and astonish all the rest."

Maybe the administration does not want to astonish anybody. I will tell you one thing, the American people expect both the President and the U.S. Senate to do the right thing.

Mr. President, consolidation is the only way to go, and it is the right thing to do. Of course, I urge Senators on both sides of the aisle to lay politics aside and let us proceed with this bill.

Thank you, Mr. President.

I now yield to the distinguished ranking member of the committee, Senator PELL.

Mr. PELL. I thank my colleague.

Mr. President, the Senate now turns to S. 908, the Foreign Relations Revitalization Act of 1995. In prior years this legislation has been called the Foreign Relations Authorization Act

and has authorized funding for the Department of State, the U.S. Information Agency [USIA], and international broadcasting activities.

I want to acknowledge at the outset, Mr. President, the earnestness which with the Foreign Relations Committee Republicans—under the leadership of Chairman HELMS—have tackled this legislative effort. In this bill, Senator HELMS has made a serious—if controversial—effort to examine and adapt the U.S. foreign policy structure to the exigencies of the post-cold-war world. I think it is important to note the contributions that the senior Senator from North Carolina has made in this regard. I also wish to underscore that in this era of budget stringency, I well understand the imperative of consolidation and the elimination of duplication in the foreign affairs bureaucracy. I therefore can appreciate Senator HELMS' intent in moving this legislation.

During my tenure on the Foreign Relations Committee, I always have tried to work cooperatively and in good faith with Senator HELMS. I have appreciated his unmistakable candor, as well as the courtesy he extended me when I was chairman. When we have disagreed, we both have attempted to do so in an agreeable manner. One of my main reasons for doing so, above and beyond the regard I have for Senator HELMS, is the importance that I attach to bipartisanship in foreign policy. I regret to note that, for the first time in my memory, this bill was reported by the committee on a straight, party-line vote.

I also must point out the administration's strenuous opposition to this bill. Secretary of State Warren Christopher outlined the administration's views in a July 25, 1995 letter to me. I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks, and from which I now will quote.

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

(See exhibit 1.)

Mr. PELL. Christopher writes:

> At a time when our nation's security and prosperity demand sustained American engagement in the world, this bill mandates drastic resource reductions for international affairs and undermines the President's constitutional authority to conduct our foreign policy. If S.908 is presented to the President in its current form, I will have no choice but to recommend a veto.

In a July 26 statement, the President said that S. 908 would attack his constitutional authority to conduct America's foreign policy, and that, "if this legislation comes to my desk in its present form, I will veto it." I ask unanimous consent that the President's veto statement be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. PELL. Why, Mr. President, has this bill has become so controversial that the Secretary would recommend and the President would threaten a veto? The answer lies in the number of proposals that collectively would restrict the President's ability to conduct foreign policy. The most troublesome of these is the plan, outlined in title I of the bill, to reorganize entirely our country's foreign policy agencies. Specifically, the proposal mandates the elimination of the U.S. Agency for International Development [USAID], the Arms Control and Disarmament Agency [ACDA], and USIA, and transfers some of their responsibilities to the State Department. I believe the plan is fraught with problems, and I will address these shortly.

In addition to the reorganization plan, there are a number of other disturbing provisions of this bill—particularly with regard to the United Nations. Having just returned from the 50th anniversary celebration of the founding of the United Nations, I am freshly reminded that U.S. interests are well served by our active participation in the United Nations. I continue to support a vigorous and active U.S. involvement in the U.N. system.

Titles II and III of this bill, however, contain what might best be described as an assault on the U.N. system. Not only does the bill authorize drastic cuts in funding levels for U.S. assessed contributions to the United Nations in section 201, it also places extreme new restrictions on U.S. participation in and involvement with the United Nations. As Secretary Christopher noted in his letter to me, "the funding cuts this bill proposes in U.N. accounts and the onerous restrictions it would place on our ability to support U.N. peacekeeping would reduce our ability to achieve meaningful reform." The President added further that, "the legislation would handcuff our ability to take part in and lead United Nations operations, limiting our choice each time a crisis arose to acting alone—or not at all."

Section 205, for instance, would withhold large percentages of the U.S. contributions to the United Nations until an annual certification is made regarding the Office of the U.N. Inspector General. The section lays out criteria that are arbitrary and impossible to certify, which will mean substantial and unnecessary cuts in our contributions to the United Nations. This section will, as a result, do little to advance U.N. reform and will only undercut U.S. leadership at the United Nations. I hope very much it can be modified.

Other sections pertaining to the United Nations in title II are equally problematic. In particular, I am concerned about various provisions in sections 203, 217, and 220, as well as other sections, and I intend to address these during the course of debate on this bill.

Moving beyond the U.N. provisions, Mr. President, I want to focus for a moment on the reorganization plan and its impact. As many of my colleagues know, the plan is largely the result of the efforts of the chairman of the Foreign Relations Committee, Senator HELMS. As I said earlier, Chairman HELMS has taken a serious initiative, and already he has made an important contribution to the debate over the conduct of foreign affairs in the post-cold-war era.

That being said, I am opposed to Congress deciding—on its own—how to restructure the way in which the President conducts American foreign policy. Moreover, it is far from clear that this plan represents the best way to adapt our foreign policy structure to our times. That being the case, I do not think it would be prudent for Congress to insist that this President—or any President, for that matter—implement the plan.

The proponents of this reorganization plan have emphasized cuts, consolidation, and elimination, but in my opinion have not paid sufficient attention to the consequences. Nearly everything in this plan suggests that the United States should retrench from its global commitments and responsibilities. If taken to its logical conclusion, the plan could well lead the United States on the path toward isolationism and withdrawal.

As we proceed, I intend to support a Democratic alternative to the restructuring plan. The alternative proposal mandates a reduction in the number of foreign affairs agencies—USAID, ACDA, and USIA, and in fact would allow the elimination of all three of them. Where it differs from the Republican plan is in giving the President—in whom the Constitution vests primary responsibility for the conduct of foreign relations—some flexibility to determine how best to organize the foreign affairs agencies. Our proposal leaves it to the President to decide which agencies should be eliminated, and how their responsibilities should be restructured.

I hope the Senate will give careful consideration to our proposal, as it embraces the goals Chairman HELMS has set forth during the committee's consideration of the bill, but goes about achieving them in what I believe is a more reasonable and practical manner.

During the Foreign Relations Committee markup of S. 908, a number of Democratic amendments were offered to try to improve the reorganization plan and other portions of the bill. I offered an amendment to preserve an independent ACDA, which regrettably was defeated as were similar amendments on USIA and USAID. That being the case, I expect there will a great many amendments offered in order to

improve this bill, including amendments to save each of the independent foreign affairs agencies. Senator HATFIELD and I, for example, intend to offer an amendment on ACDA similar to that offered in committee. In an era when threats to U.S. security are becoming more diverse and challenging, it defies reason that the Congress would want to dismantle the sole independent voice for nonproliferation within the U.S. Government. I hope very much that the rest of the Senate will concur.

Mr. President, as we approach the onset of the 21st century, it is evident that the United States must redefine its place in global affairs. To do so, our Presidents must have at their disposal the proper tools to develop and implement foreign policies that reflect the changing nature of American interests. If we adopt this bill in its present form, I fear the Congress will—unnecessarily and unwisely—do grave damage to our country's future ability to function as a world power. To quote once again the Secretary of State, this bill "deliberately gouges our resources and micromanages the funds that remain. * * * S. 908, as currently drafted, will have a destructive effect on the conduct and character of American foreign policy for years to come."

Mr. President, unless there are dramatic and wholesale changes to this bill, I intend to vote against it. If I happen to lose that vote and the Congress enacts this bill, it appears that the President will veto. It distresses me very much that our foreign policy is being cast in such partisan terms. I do not believe such an approach serves the interests of our Nation or its people.

EXHIBIT 1

THE SECRETARY OF STATE,
Washington, July 25, 1995.

Hon. CLAIBORNE PELL,
Committee on Foreign Relations,
U.S. Senate.

DEAR SENATOR PELL: The Senate will soon consider S. 908, the "Foreign Relations Revitalization Act of 1995." At a time when our nation's security and prosperity demand sustained American engagement in the world, this bill mandates drastic resource reductions for international affairs and undermines the President's constitutional authority to conduct our foreign policy. If S. 908 is presented to the President in its current form, I will have no choice but to recommend a veto.

This bill's attack on Presidential authority is unprecedented in scope and severity. It interferes with the President's responsibility to structure America's foreign policy apparatus by abolishing three agencies of government and merging their functions into the Department of State. And it slashes the numbers of foreign affairs professionals who are so essential to meet the threats and seize the opportunities of the turbulent post-Cold War world.

This bill takes no account of the serious and successful efforts this Administration is taking to streamline the foreign affairs agencies and to consolidate functions among them. The State Department, ACDA, AID, and USIA are all vigorously cutting costs and employment, realigning resources to better match policy priorities, and modernizing communications and information systems. Eliminating these latter three agencies, as the bill proposes, would undermine our effectiveness—not enhance it.

While S. 908 contains a number of management authorities sought by the Department of State, the cumulative weight of its restrictions, requirements and prohibitions would obstruct the President's ability to conduct America's foreign policy and cripple America's ability to lead. The bill purports to prohibit any U.S. diplomatic activity in North Korea, thus impeding our ability to implement the North Korea Framework Accord that is helping to put an end to a nuclear crisis on the Korean peninsula. It also interferes with our delicate relations with China, and forces a change in our migration policy that could pose a serious threat to America's borders. We also oppose the provision requiring the Treasury Department to issue licenses permitting letter of credit payments from blocked Iraqi funds where no U.S. bank has a payment obligation, thus favoring certain corporate claimants in a manner not compelled by the law of letters of credit, to the detriment of other U.S. claimants against Iraq, including injured U.S. military personnel.

With respect to the United Nations, we share the Congress' concern about the need for reform. In Halifax and in San Francisco, the President directed the world's attention toward this important issue. There is growing support for our reform agenda and a commitment to follow-up on the progress made in Halifax. However, the funding cuts this bill proposes in UN accounts and the onerous restrictions it would place on our ability to support UN peacekeeping would reduce our ability to achieve meaningful reform. We are especially concerned about restrictions on intelligence sharing, and certification requirements related to UNPROFOR in Bosnia and the oversight function in the UN that will be impossible to meet. As the President noted in his speech on the UN's 50th Anniversary, turning our back on the UN would increase the economic, political and military burden on the American people.

We recognize in this bill the desire of the Congress for a better foreign affairs consultation process, particularly on peacekeeping issues. We believe this can better be achieved through closer cooperation, rather than through legislation that would unduly restrict the ability of this and future Presidents to provide for the nation's security.

Finally, this bill's overall cuts in the International Affairs (150) function compromise the safety and well-being of our nation. The tiny fraction of federal spending we devote to international affairs—a mere 1.3 percent of the budget, of which only a third is included in this bill—helps us strengthen American security by fighting the spread of nuclear weapons and technology. It helps us protect American lives by combating terrorists, drug traffickers, and international criminals. It helps us create American jobs by opening foreign markets and promoting U.S. exports. And, it gives force to American principles by bolstering peace, human rights and democracy around the world.

Moreover, the preventive diplomacy that the International Affairs budget funds is our first and least costly line of defense. Compare the cost of arms control and diplomatic action to stem proliferation to the price we would pay if rogue states obtained nuclear weapons. Compare the cost of promoting development to the price of coping with famine and refugees. Compare the cost of successful government-to-government and public diplomacy to the cost of military involvement. If we gut our diplomatic activities today, we will face much greater crises with concomitant costs and crises in the future.

The Administration cannot support a bill that deliberately gouges our resources and micromanages the funds that remain. We oppose this bill and will also oppose any amendments to this bill that further restrict or restrain the President's ability to safeguard America's interests. We will firmly resist efforts that would have America abdicate its leadership role in global affairs. I firmly believe that S. 908, as currently drafted, will have a destructive effect on the conduct and character of American foreign policy for years to come.

Sincerely,

WARREN CHRISTOPHER.

EXHIBIT 2

THE WHITE HOUSE,
OFFICE OF THE PRESS SECRETARY,
July 26, 1995.

STATEMENT BY THE PRESIDENT—THE FOREIGN RELATIONS REVITALIZATION ACT OF 1995 (S. 908)

Congress is now considering legislation—S. 908, "The Foreign Relations Revitalization Act of 1995"—that would undermine the President's authority to conduct our nation's foreign policy and deny us the resources we need to lead in the world. If this legislation comes to my desk in its present form, I will veto it.

S. 908 attacks the President's constitutional authority to conduct America's foreign policy. No President—Democrat or Republican—could accept these restrictions because they threaten the President's ability to protect and promote American interests around the world.

The legislation would ban or severely restrict diplomatic relations with key countries. Indeed, had it been in effect a few months ago, it would have prevented us from concluding the agreement with North Korea to dismantle its nuclear program. The legislation would handcuff our ability to take part in and lead United Nations operations, limiting our choice each time a crisis arose to acting alone—or not at all. The legislation would abolish three important agencies—the Arms Control and Disarmament Agency, the Agency for International Development, and the U.S. Information Agency. Each is already making serious and successful efforts to streamline its operations, as part of my administration's Reinventing Government program. Eliminating them entirely would undermine our effectiveness, not enhance it.

In short, the legislation would put Congress in the business of micro-managing our nation's foreign policy—a business it should not be in.

This legislation combined with S. 961, "the Foreign Aid Reduction Act of 1995", would also slash our international affairs budget—which already is only a little over 1.3 percent of our total federal budget. We use these funds to fight the spread of nuclear weapons and technology, to combat terrorists, drug traffickers and international criminals; to create American jobs by opening new markets for our exports; and to support the forces of peace, democracy and human rights around the world who look to America for leadership.

The proposed cuts in the international affairs budget are dangerous and shortsighted.

We know from experience that it is a lot less costly—in terms of money spent and lives lost—to rely on development aid and diplomacy now than it is to send in our troops later. There is a price to be paid for American leadership. But the return on our investment—in terms of increased security and greater prosperity for the American people—more than makes up for the cost. What America cannot afford are the foreign affairs budget cuts proposed in these bills.

As I have made clear before, I want to work with Congress to get an international affairs bill I can sign—a bill that protects the President's authority to conduct foreign policy, maintains vital resources and reflects a bipartisan spirit that serves America's interests. The legislation Congress is considering fails each of those tests. If it is sent to me as it now stands, I will veto it.

Ms. SNOWE. Mr. President, I am very pleased today that we are able to bring before us the State Department authorization. It is revolutionary, refreshing. It is restructuring. It is an historic bill that, for the first time in decades, looks upon an entire component of our Government in a very different fashion.

As chair of the International Operations Subcommittee, which has jurisdiction over these issues, I am very pleased to play a role in the creation and bringing of this legislation before the floor.

Before I describe some of the issues and the features of this legislation, I certainly want to express my commendations and appreciation for the cooperation and the leadership provided to me and to others on the committee, to Chairman HELMS, who has brought this legislation to the floor. It is because of his hard work and initiative we are considering it here today.

I also want to say I am very pleased to have worked with Senator PELL, because of his contributions to the committee in the foreign policy arena over the years, and with Senator KERRY, who is the ranking member of the subcommittee.

I am not new to these issues. I have worked on these issues in the House as ranking member of the counterpart subcommittee for more than 10 years. So many of these issues are very familiar to me. But we have now reached a point where we have to decide how we are going to reform our foreign policy apparatus and policymaking bureaucracy.

This bill has two main themes: Agency consolidation and deficit reduction. It terminates three independent agencies: The Arms Control and Disarmament Agency, the Agency for International Development, and the U.S. Information Agency. It consolidates arms control, development, and public diplomacy within the hierarchy of the State Department. But it is far more than just moving bureaucratic boxes around. It integrates important aspects of American foreign policy into our basic policy formulation process. The purpose of this is to improve our overall foreign policy, not to diminish the importance of any of these functions.

For example, currently the independent Arms Control and Disarmament Agency is primarily responsible for the nonproliferation policy. But concerns about nuclear proliferation frames our relations with a range of countries around the world, from North Korea to India to Iran. This bill will integrate these issues into the policy formulation process at the Department of State. They are too important to be considered as an afterthought in the interagency process. And by better coordinating public diplomacy with policy, we will also directly benefit from the conduct of our Nation's foreign policy and foreign relations.

Public relations plays an increasingly important role in a world that is increasingly democratic. Currently, our public diplomacy expertise rests in the independent U.S. Information Agency. This bill integrates these fields into our basic foreign policymaking institutions.

The world has changed dramatically in the last decade and, with it, the demands on our foreign policy structure. Gone is the cold war and the certainty of a single opposing force in our foreign relations. Gone, too, is the highly focused foreign policy we once waged against an expansionist and authoritarian Soviet Union and its satellites.

In the 1990's we face a new imperative: To maintain a strong, aggressive foreign policy, but to streamline our operations, achieve cost savings, and meet the new criteria of a changing world. State Department consolidation is an idea whose time has come.

In the aftermath of the collapse of the Soviet Union and the reigniting of ethnic strife that has been kept bottled up by the cold war, we live in a new world. But it is not necessarily a safer world, as a multitude of crises across the world have proven in the last few years. Our legislation offers a fast, flexible foreign affairs structure that we require and it also offers the promise of significant long-term cost savings.

This leads me to the second characteristic of this legislation and that is, of course, deficit reduction. Not only does this bill restructure Government within our foreign policy institutions to make it smaller, more efficient, but it also does so at a lesser cost. These two themes are very closely related and I believe will improve our Nation's ability to conduct a truly coordinated and consistent foreign policy.

But, without agency consolidation, we simply cannot meet our deficit reduction requirements without much deeper program cuts in the international affairs account. The Congressional Budget Office has indicated that the consolidation plan would save $3 billion over the next 4 years. And, frankly, Secretary of State Christopher had originally proposed this consolidation plan last fall, even though the interagency process did not permit the proposal to go forward with the administration, and that is regrettable, because I think it did prevent a bipartisan discussion of this restructuring proposal.

Even Vice President GORE had recommended, and said, in fact, the administration would come forward with a reinventing Government initiative for the State Department and its foreign affairs related agencies, with a planned savings of $5 billion over the next 5 years. We have yet to see that plan, let alone the administration's legislative proposal for the reauthorization of the State Department.

In all my years having managed this bill for the Republicans in the House of Representatives, we have always had an authorization proposal from the administration—whether or not they agreed with subsequently what the committee might or might not do. So I regret this bill is coming forward without bipartisan support. We have tried to be receptive to ideas, to incorporate those ideas into this restructuring. But we have yet to hear those ideas.

The fact is, I think this is the kind of legislation that demands bipartisan support. We received the unanimous support of the Republicans on the committee. It certainly is not too late to be engaged in a bipartisan process, but it is important that we understand that consolidation is necessary, and it is not because we are saying we are going to deemphasize these areas within the State Department. In fact, I say we are reemphasizing them in a different fashion as we move forward to integrate these functions more efficiently.

I am also disappointed by the administration's apparent unwillingness and its specific policy of not engaging us in the field of ideas with respect to this major restructuring of the State Department. Rather, their strategy seems to be embodied in the explicit words of an internal AID memorandum that was leaked to the press recently.

The strategy is to delay, postpone, obfuscate, derail—if we derail, we can kill the merger.

So I think that is an unfortunate approach to one of the most significant consolidation issues in recent years. But I would like to describe the features of this legislation because I do think it is important for the Members of this body to fully understand and comprehend what we are attempting to do through this consolidation proposal.

As I said, we are abolishing three agencies and transferring their functions within the State Department. I believe the State Department itself will be enhanced as well as reorganized in a way that will significantly improve the way in which we can develop our foreign policy agenda.

The operations of the Arms Control and Disarmament Agency and the USIA, although streamlined, will be directly merged into the State Department's policymaking structure. If you have any doubt as to whether or not we should have a restructuring consolidation of these three agencies within the State Department, only look at this graph, at the current structure of our foreign affairs agency. You can see it is rather complicated, convoluted. There is duplication. It is much more complex, in terms of trying to make decisions; certainly less efficient. In today's world, whether it is the public or private sector, everyone is looking toward more efficiency for less money and making it more effective.

What we are trying to do through this reoganization is streamlining the process so the Secretary of State is better equipped to make those decisions more efficiently. It is not to say that arms control is not important, or public diplomacy is not important, or development assistance is not important. What it is saying is, it is necessary to efficiently incorporate it into the structure that gets the Secretary's attention.

As many have said in the past, and before the committee, you do not have to have a separate independent agency to make it a priority. I think that is important.

As you can see here, something has to be done. Just looking at this chart, it is clear that we have to revise and consolidate and make it more efficient in today's post-cold-war world.

I want to compare it to what we are proposing in this legislation. And you can see that we have far fewer boxes, far fewer areas. We are making it far more efficient to make those decisions.

I think that these charts certainly illustrate what we are attempting to accomplish through this legislation. It is an idea whose time has come. Even Secretary Christopher indicated in a speech before State Department employees back in March when they were doing the strategic management initiative that this was the 90th report since 1946 aimed at a restructuring and improving the State Department. And I am quoting now. He said, "It is there gathering dust in the file cabinets."

So a lot of these ideas have been around. But I think that what has happened in the post-cold-war period has given us the impetus to begin the approach to consolidate. And that is why I think it is also essential to have bipartisan input. That is why I regret today that has not occurred.

As the Agency for International Development, this bill will more closely tie our foreign assistance programs to policy goals intended to directly advance our national interests. This will be accomplished by integrating regional foreign aid decisions into the State Department's regional policy bureaus.

Former Under Secretary Bill Schneider—who was responsible for coordinating the entire international affairs budget for the Reagan administration—testified before my subcommittee. He noted that AID's structure, autonomy, and management precludes a sharp focus on using our aid resources to support foreign policy functions. By its very nature, he argued, AID programs have little behavioral impact on the recipient in terms of advancing U.S. foreign policy interests.

Former Secretary of State Larry Eagleburger confirmed this argument, by arguing for consolidating AID into State in order that bilateral foreign assistance be more closely related to specific, identifiable U.S. foreign policy interests.

Today's AID will be transformed into a leaner State Department mechanism for delivering foreign assistance. Today, vast amounts of our humanitarian and developmental aid is consumed by AID's huge administrative cost structure and field apparatus. For instance, there are 690 AID employees stationed at our Embassy 'n Cairo alone.

Out of a $2.3 billion developmental aid account, AID spends $600 million on its formal operating expenses account. This is 25 cents for every developmental dollar.

But in reality, AID's administrative costs are much higher because AID's formal operating expenses only count 5,000 out of its 9,000 employees worldwide. The remaining 4,000 are AID contract employees who are paid out of program funds, not operating expenses.

In looking at the Arms Control Development Agency, we certainly should take very seriously the concerns that have been expressed by arms control advocates in the administration.

We should also, however, consider the observations of former ACDA Director Fred Ikle who testified before my subcommittee that moving forward with a proposal as innovative and necessary as this is opposed because it: "hurts the pride and prestige of the affected officials, jeopardizes job security and mobilizes throngs of contractors, captive professional organizations, and other beneficiaries."

Director Ikle also noted that people who want to preserve an institution long after they have served their purpose believe they do so for the noblest of reasons, but at the core of their argument is inevitably: "the tendency of bureaucracies to become more vigorous and grow in size as their initial purpose is overtaken by events."

Director Ikle noted that ACDA was formed 34 years ago out of the need to maintain a tightly focused agency dedicated to continuity and competence in negotiations with a single adversary, the Soviet Union. Now, he noted, there is no more need for an independent agency working only on arms control issues than there would be for a separate U.S. agency for counterterrorism, global communications, or international crime.

I guess I could argue that there should be separate agencies even for those categories.

Former NSC Adviser Brent Scowcroft noted at the same hearing, that this changed focus of arms control argues against an independent ACDA. He observed that proliferation of weapons of mass destruction is the single most important arms control issue today. The full range of policy tools needed to addressing proliferation issues simply cannot be accomplished out of an isolated, insular ACDA. This, he argued can only be pursued through the broader institutions of State and DOD.

USIA

The most logical fit of all is the consolidation of the U.S. Information Agency into the State Department. At our overseas posts, State Department and USIA operations work together in an almost seamless fashion.

The top USIA officer at post is the public affairs officer, who operates as the Ambassador's close media adviser and the Embassy's press officer. The USIA operation at post conducts outreach into the grassroots organizations and maintains contacts with all those who help shape public opinion in the country.

The purpose of this consolidation would be to bring this same level of coordination to Washington. A better understanding of and appreciation for the impact of international public opinion can only help us to formulate better overall foreign policy.

Former NSC Adviser Scowcroft and former Secretary Eagleburger made this same observation, when they noted that public diplomacy is a function with continuing and growing needs. They noted that in the world today, individuals, groups, and publics have an increasing affect on how the United States is viewed and how our foreign policy is received. We need to incorporate this capacity, they said, into our core foreign policy institution.

The logic of combining these two agencies is even recognized by the inspector general offices of the State Department and USIA. Over the past few years, they have adopted the practice of jointly conducting their periodic inspections of diplomatic posts. They do this together, because the State Department and USIA functions at post are so closely integrated.

This legislation sets up a 2-year transition period. The three agencies would be merged into the State Department by March 1, 1997. During this transition period, the bill sets up a mechanism for the President to transmit to Congress his own consolidation plan. The President would be guaranteed quick action by Congress under expedited procedures.

So the President could in response to this plan offer his own very specific plan that would require a resolution of approval. But the fact is that this legislation gives the President the opportunity, as well as the flexibility, to submit his own plan, or modifications to this plan, and it would require a resolution of approval by Congress.

There are other issues in this legislation that I will not get into here today. Some of the issues that I have included, and others have included, are very essential to the overall bill.

I know there is a great deal of anxiety about this legislation among the dedicated and hard-working employees of our foreign affairs agencies. And I understand that concern. I have worked with them over the years, and they have done an admirable, commendable job in implementing their responsibilities. But I think we are dealing in a different world today. We have to come to recognize that we have to do things somewhat differently.

That is why I certainly would prefer the administration working in conjunction with the chairman and myself and other members of committee to develop a plan that has a bipartisan consensus because the scope of this legislation calls for a more proactive role on the part of this administration. In fact, they have an obligation as well as a responsibility to do so. But to maintain silence on this issue is unacceptable, let alone understandable, given the magnitude of this consolidation and given the fact that it is affecting our foreign policymaking apparatus.

I hope that during this process we will hear from them, not simply to stonewall, as the chairman said, this process, but to help expedite this process of consolidation and integration of our foreign affairs agencies.

This approach should be bipartisan. There is nothing Republican or Democratic about this approach. This should be an approach that everybody can endorse, and, in fact, Secretary Christopher had even recommended this approach last fall only to be rejected by others within the administration.

As the chairman has indicated, five former Secretaries of State have supported this initiative. I think that is significant. The time has come for this kind of consolidation, and it is not gutting it because the issue of restructuring, as even Secretary Christopher indicated, has been done over the years, but the changes as a result of the end of the cold war has compelled us to look at these issues very realistically. We are not saying that this is a perfect plan. But it is very difficult to work with the other side when they are unwilling to work to make the revisions that they think are necessary to do this legislation.

During one of our subcommittee hearings on this plan, former Bush administration official Bob Kimmit, who was Under Secretary of State, said that when he was asked to testify, he gave his proposal very careful and serious review. The standard he used in deciding his position on this was whether he would be as enthusiastic in support if it had been proposed by the Clinton administration rather than by the Republican Congress, or if it had been advanced by a Democratic Congress during a second Bush administration.

Mr. Kimmit, together with a great number of our witnesses, made a common observation: To place a priority on the issue does not require a separate agency. No one questions the importance of arms control, public diplomacy or international development. Imagine if the principle of maintaining a separate agency for every important policy issue were applied throughout our Federal Government. There would be no end to organizational proliferation.

I think we get some idea just based on the current chart with respect to the State Department and its related agencies and the bureaucratic confusion that has been created as a result of the multitude of agencies that exist within these agencies.

This is not a Republican plan against a Democratic administration. This is an American plan that would benefit all future American administrations, both Republican and Democratic.

So I urge my colleagues to consider it on its own merits, devoid of partisan considerations. If considered on this basis, I believe we will receive overwhelming support on both sides of the aisle.

The bill before us is breathtaking, not just in its scope but in the quality of the recommendations and gives credit to our chairman, to our committee, and to all the Senators who have been involved in its creation.

In the final analysis, whether you are Republican or Democrat, what we are doing here today would be arguing for fundamental, positive change in our Government. This is a chance to cast a vote for exactly the kind of change that the American people want. This is a vote for cost savings and efficiencies we will need to advance and if we are certainly going to meet our deficit reduction goals required by the budget resolution that passed the Congress. But also more importantly it is to advance our foreign policy goals. I think in the final analysis this is exactly what this legislation would do.

On a final note, I should say that not only do I commend the employees within these various agencies but also the directors and the administrators because without a doubt they have been hard-working, dedicated individuals who are committed to their goals. And although we may disagree on this consolidation, I want to make sure I give credit to those individuals who currently head these agencies because clearly they have worked very hard to try to do what they can with the kind of mandates received within current law and with the structures that they have had to live with. And I understand their commitment to maintaining the current structure. But I think they also hopefully understand we have to meet the goals that are required of us through not only the budget resolution but also because the climate and the circumstances have now changed.

So, Mr. President, I hope that as we go through this process in the final analysis we will be able to get a reorganization of State Department agencies necessary to meet the future commitments of this country.

I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from North Carolina.

Mr. HELMS. Mr. President, the Senate has just heard a remarkable discourse by the able Senator from Maine, whom I have long admired. She is certainly an addition to the wisdom of the Senate on many matters, especially foreign affairs. I wish to thank her for her diligent work on this bill, and I thank her for the great statement she just delivered.

Mr. President, another distinguished member of the Foreign Relations Committee who has done so well in assisting in the drafting of this bill is Senator CRAIG THOMAS of Wyoming. He is chairman of the East Asian Subcommittee of the Foreign Relations Committee, and I hope the Chair will recognize him.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. I thank the Chair.

I thank the chairman of the committee for the opportunity to comment on this bill. I rise to place my full support behind Chairman HELMS and the efforts to overhaul and streamline the Department of State.

These bills are very complicated, of course, and throughout the duration of this debate and discussion it will be hard to track. Let me read just a couple of paragraphs from a letter the chairman sent to me that I think is fairly succinct.

> Six weeks ago, with the support of every Republican Member, the Foreign Relations Committee passed S. 908, the Foreign Relations Revitalization Act. This legislation is the first authorization measure to reach the Senate floor within budget targets, fulfilling the mandate the American people gave us last November. This bill is a promise kept: Money is saved, bureaucracy eliminated, and the ability of our Nation to conduct foreign policy enhanced.
>
> This reorganization of the U.S. foreign policy apparatus saves $3.66 billion over four years. A similar measure has already passed the House. Three agencies, the Arms Control and Disarmament Agency, the Agency for International Development, and the United States Information Agency are abolished and

their functions are rolled into the Department of State.

The core functions of these agencies are not lost. Despite propagandizing to the contrary, independent broadcasting is protected; arms control and non-proliferation will be strengthened; and the assistance programs which support national interests will be liberated from a convoluted AID bureaucracy. This consolidation plan has been endorsed by five former U.S. Secretaries of State. . . . And as Henry Kissinger recently said, if given a truth serum, Secretary Christopher would endorse it too.

That summarizes, it seems to me, what it is we are seeking to do here. The chairman has spoken at length, and the Senator from Maine in her excellent commentary spoke about the need for important legislation, so I will not cover that same territory.

The changes proposed in S. 908 are long overdue. What I will address, however, is the way in which AID and this administration has handled itself in the face of the chairman's efforts. From the beginning, instead of cooperating in a constructive effort to work with the Congress in cutting waste, overlapping responsibilities, and outmoded and outdated programs, the administration has chosen to ignore and stonewall. The word has gone out to the bureaucrats and to the Democrat Members of Congress that this is the party line. A memo that was quoted earlier indicated that the strategy is to "delay, postpone, obfuscate, derail. If we derail, we can kill the merger," it says. "Official word is we don't care if there is a State authorization bill this year."

As a result, it has been strongly rumored that we will face a flurry of amendments to this bill as we have seen in other bills in a veiled attempt to filibuster. So much for the administration's dedication to reinventing Government.

Requests for meetings have gone unanswered, as have requests for information. Instead of working with Congress, AID has gone out of its way to preserve itself by spreading confusion and panic among organizations with which it does business, by distorting the purpose and the probable impact of S. 908. Many of these practices I believe come close to pressing the breaking of the law. For instance, I am aware of AID staffers who have contacted several private groups and urged them to lobby for the defeat of S. 908. My office has received almost weekly information packets from AID including xeroxed copies of articles and editorials in opposition to the merger—omitting, of course, those that are in favor.

I find it highly improper that AID is spending taxpayer dollars in supplies and employee time lobbying us for their own continuation.

Mr. President, S. 908 is supported by five former Secretaries of State and, until overruled by the White House, Secretary Christopher. It is an idea whose time has come. Its time is here. At a time when we do not have enough money to take care of our own citizens' fundamental needs and are consequently forced to rethink the funding levels in our domestic budget, to argue that we cannot make similar difficult cuts in the structure of foreign policy is both disingenuous and unrealistic.

So again, Mr. President, I rise in support of this proposal. I think it is one of the things that the voters said to us in 1994. They said we need to make some changes in the way the Federal Government operates; that the Government is too big, it spends too much, and that we should find better ways to deliver services; that we should find more efficient ways to use tax dollars.

Mr. President, this is one of those ways, and I urge support for this legislation.

I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I rise in strong, enthusiastic support of S. 908, the Foreign Relations Revitalization Act. As a member of the Foreign Relations Committee, I am proud to have voted for this groudbreaking legislation to fundamentally reform America's foreign affairs agencies.

For much of this year, Congress has responded to the voters' demand to shrink the Federal Government and reduce its intrusion in their lives. But it is not just our domestic agencies that are in need of an overhaul.

S. 908 fulfills two important goals: First, it will help to reshape the State Department so that we can better meet the new challenges of a rapidly changing world. And second, it will apply our limited financial resources in a more realistic and effective way.

Unfortunately, the President's proposed budget for 1996 would actually increase international affairs spending by $950 million, and that is hardly evidence of a strong commitment to balancing the budget.

Moreover, some administration officials—as well as some Members of this body—have thrown around reckless accusations about this bill's efforts to reorganize the State Department. They charge that it somehow represents a move to withdraw the United States from international affairs.

But make no mistake. It is our desire, and America's responsibility, to remain actively and productively engaged around the world that make this legislation so necessary.

While the administration has been busy crying "isolationism" and doing everything in its power to block consideration of S. 908, five former Secretaries of State have come forward to ardently endorse it.

Former Secretary of State Lawrence Eagleburger and former National Security Adviser Brent Scowcroft testified on the clear connection between the cold war and the expansion of the Federal bureaucracy:

[T]his proliferation of agencies occurred in response to security-related concerns which have since diminished or disappeared. Therefore, we are now encumbered by a plethora of programs which no longer are closely tied to, or clearly serve, U.S. national interests. . . . [The] origins of the agencies being considered for abolition are all rooted in a world which no longer exists.

And former Secretary of State Henry Kissinger—not known for "isolationist" tendencies—wrote,

What is needed is steadiness, coherence and precision in the articulation and implementation of policies. . . .

He went on to say:

Your proposal to abolish the Agency for International Development, the Arms Control and Disarmament Agency, and the U.S. Information Agency is a bold step in this direction by centralizing authority and responsibility for the conduct of foreign affairs where it properly belongs—in the President's senior foreign affairs advisor, the Secretary of State.

Even current Secretary of State Warren Christopher reportedly made a similar proposal to Vice President Gore's "Reinventing Government" team. But, unfortunately, the Vice President chose to reject the Secretary's plan and, instead, capitulated to the cold war reactionaries in the administration who are intent on preserving their pet agencies at all costs.

Therefore, Mr. President, Congress must act responsibly with the taxpayers' money and do for the State Department what it could not do for itself. Rather than "micromanage" State Department reform, S. 908 preserves substantial flexibility for the President and the Secretary of State to determine its new organizational structure.

Given the complete lack of cooperation Congress has received on this issue from the administration, allowing such flexibility may be considered a "leap of faith." However, I firmly believe Congress should guide and agencies should be expected to perform.

Above all, Mr. President, the heart of S. 908 must be kept intact. The consolidation of AID, ACDA and USIA under the State Department will end the current duplication of many functions and personnel.

As a result, S. 908 will save the taxpayers $4.8 billion over 5 years according to the Congressional Budget Office. The international affairs budget must take its fair share of reductions to keep us on track to balancing the budget in 2002.

But I want to remind my colleagues that without the efficient and prudent savings in the State Department reorganization plan, cuts in foreign aid programs will have to be that much deeper.

Finally, I hope that this bill—combined with S. 961, the Foreign Aid Reduction Act—will encourage a comprehensive review of U.S. foreign aid.

We all know that foreign aid is held in low esteem by many Americans. Given the track record of AID and the minimal performance of some foreign aid programs, this is hardly surprising. We must not abdicate our oversight responsibilities. By enacting the legislation before us today, we can begin rehabilitating foreign aid in the eyes of the American people.

Mr. President, we must ask ourselves: Do we really need a bureaucracy of 9,300 employees and contractors to manage foreign aid programs? There are 405 employees at AID's Egypt mission in Cairo alone. And it costs the taxpayers $150,000 to $300,000 a year—not counting salary—to station just one AID employee overseas.

We must focus our efforts on making sure that foreign aid actually reaches people in need rather than getting swallowed up by oversized U.S. and foreign bureaucracies.

I support an approach that conducts more of our foreign aid programs through non-governmental organizations and private voluntary organizations. These are groups that generally have much lower overhead costs than AID.

As we reevaluate foreign aid and demand that it become more accountable, more efficient and more effective, we must also examine the actions of those countries which receive taxpayer dollars.

Foreign aid cannot provide real, sustainable development unless recipient countries are dedicated to economic freedom and free-market reforms. To renew Americans' faith in foreign aid, we must show them proven results.

We cannot afford to run an international welfare program which subsidizes countries that show no progress toward economic self-sufficiency. Just like our broken welfare system at home, such a program will only encourage dependency and continue to burden the taxpayers for years to come.

In closing, Mr. President, S. 908 offers all Senators this opportunity: We have all talked a good game about eliminating agencies that are outmoded or inefficient. Now the question is can we actually do it.

I urge all Members to vote for S. 908, not just for the sake of eliminating three agencies, but because doing so will help ensure that America has the foreign policy tools necessary to take us into the 21st century.

Thank you, Mr. President.

I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I want to pay my respects to the distinguished Senator from Minnesota. He is one of the newer members on the Foreign Relations Committee. He is always there, and he has always done his homework. I congratulate him on his statement, and I thank him for his participation in the work of the committee.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I intend to speak on the foreign relations proposal at a later time, but I ask unanimous consent to speak as in morning business for 10 minutes in regard to the welfare situation.

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

WELFARE REFORM

Mr. ASHCROFT. Mr. President, I appreciate this opportunity to speak this afternoon. The President of the United States is speaking about the welfare situation. He has promised to end welfare as we know it, and it is important, as we approach the debate on welfare in the U.S. Senate, that we thoroughly understand the condition in which we find ourselves as a result of 30 years during which Washington has dictated a radical theory of welfare on America's poor.

The theory is that bureaucrats in Washington are best equipped to solve the welfare problem. Since the mid-sixties, we have spent nearly $5.4 trillion on welfare, and the theory that Washington knows best is as dead and as hopeless as many of the people it was intended to help.

Most of America realizes this. Many Members of the Senate realize this. But, unfortunately, it does not appear that the President realizes this. Today in Vermont, veiled in glorious rhetoric, President Clinton announced his intention, again, to end welfare as we know it. But he revealed his intention to expand welfare beyond what we have ever known.

Like so much with this administration's public policy, what sounds great frequently is different from what is reality. The old adage, "signal right and turn left," has found new meaning in this administration. When you are riding down the highway and someone signals right and then turns left, it can be a very difficult and dangerous situation, and I am afraid that is what has happened here.

The reality of the Clinton plan is that it will result in more misery, more hopelessness, and more despair in America's poor. It will provide a boost to Washington's welfare establishment. The bureaucracy will burgeon. We need another way of helping the poor. It is a way which recognizes that the States have an opportunity, and should have an opportunity, to tailor welfare solutions to meet the needs of their citizens.

Last week, I spoke about Ariel Hill, a 5-month-old child, a victim of the welfare system. I am sure she would have said that we needed another approach to welfare. Today, I want to talk about another tragic story, another personal example of welfare's failure.

In the picture next to me is Ernesto Ventura, a 4-year-old child who was brutally abused and neglected by his mother. Though the crime was committed only a year ago, its roots began about 30 years ago at the beginning of a cycle of dependency, a cycle of hopelessness and Government sanction, Government approval.

The story begins in the fall of 1968 when Eulalia Rivera left Puerto Rico and came to the Columbia Housing Project in Dorchester, an inner-city Boston neighborhood. Within weeks after arriving in Massachusetts, Eulalia went on welfare to support herself and her family. Her first check, instead of providing a solid foundation on which to build, became a milestone in her life, marking the first leg of a journey which has not ended to this day. "I remember the first check," Eulalia told a reporter for the Boston Globe. "It was for $75 a month back then." The checks have never stopped and the hope has never grown.

Eulalia never left the housing project where she first lived, and in this place she raised 17 children, 14 of whom were still living as adults. Her daughter, Clarabel, has abused her son. Of these 17 children, almost none graduated from high school, and they have produced 74 grandchildren, many of whom entered the welfare system themselves.

As you can see on this chart, these are the children of Eulalia, and virtually all of them receive at least one form of welfare benefit: SSI, due to suffering from a nervous condition, also collects $120 a month in food stamps; another child receives: Medicaid, subsidized housing, AFDC, food stamps; this child receives Medicaid, subsidized housing. Here is Medicaid, subsidized housing, food stamps, SSDI; food stamps, SSDI, AFDC. It just goes on in each of these cases. AFDC, SSI, Medicaid, subsidized housing, food stamps; AFDC, SSDI; AFDC.

This is the story of the intergenerational web, the lack of hope. Fifteen great-grandchildren now comprise the fourth generation of this welfare setting. The type of benefits received by the extended family are the alphabet soup of acronyms—all perfectly legal, and just as perfectly destructive to the human spirit. Many of Eulalia's descendents are considered disabled due to a medical condition diagnosed as anxiety attacks. SSI pays these individuals a monthly check in lieu of the jobs they are unable to perform. While interviewing Clarabel's family to find the motivation behind the tragedy of her son's abuse, a Boston Globe reporter found that the cycle continues, noting several school-aged children at home watching MTV at 1:30 in the afternoon.

Theirs is a family that has given up hope of finding jobs or receiving an

education, a family caught in a system which rewards illegitimacy and discourages work. Their lives revolve around a monthly check, a dangerous public housing project, and empty dreams.

In the words of Robert Coard, director of the antipoverty agency Action for Boston Community Development:

This family is a classic example of a poverty-stricken class. They are the ones who have given up.

The tragedy of this story is perhaps most evident in Clarabel Rivera Ventura's life. At the time she abused Ernesto, she was 26 years old and pregnant, a mother of six, by five different fathers. Even her family is not sure about the identities of these men. "Oh, wow," her brother Juan told the Globe, "I have no idea." Eulalia gave the same answer. "I don't even know who they are."

A young woman caught up in the overwhelming system, Clarabel Ventura had no hope, no education, no prospects, and her will to improve her lot in life sapped by every check she received. Perhaps she looked to drugs as a way out.

Neighbors said that Clarabel sold food stamps and even the family's washing machine to get money to purchase crack—shouting at and striking her children in frustration, neglecting the needs of the children in order to serve her own addiction. Reportedly, Clarabel would send her children out alone after midnight to beg for money, cigarettes, and food from other residents in their housing project. Finally, something snapped. In a rage, Clarabel plunged 4-year-old Ernesto's arm into boiling water, severely burning him. It was nearly 3 weeks before she sought medical treatment for the wounds. When paramedics finally arrived on the scene, they found Ernesto in a back room on a bare mattress, smeared with his own blood and excrement. His mother, he said, had abused him because she was mad.

Government-sponsored poverty has a face, it has a soul, it has feelings and a body that can be hurt. Every day, children just like Ernesto suffer in an environment which Washington has created. They have no say. They cannot vote, they cannot read, they often are barely old enough to talk. But they pay the price of Washington's arrogant demand that the entire country run a welfare system in accordance with the bureaucrats' dictates.

The fact that welfare needs a major overhaul is beyond debate. Washington's one-size-fits-all bureaucratic micromanaged welfare system has failed, and failed miserably. Unfortunately, President Clinton's solution is nothing more than 1988 revisited, rearranging the deck chairs on the Welfare *Titanic*, just as Washington has done in prior attempts at reformation.

In 1988, Washington reformed welfare. The result has been an increase in spending for welfare programs of over 40 percent. We have more children in poverty today than when the war on poverty began. If there is anything we have learned, it is that no one solution from Washington has worked in the past or will work in the future.

We have a mandate from the American people to tackle the welfare issue head on. If Congress is going to be serious, we need to do more than reform the welfare system. We need to replace it. First, because one-size-fits-none, we need to stop the system as we now know it. We need to transfer to the States, in a significant way, the opportunity to craft real solutions. Bringing the States, under the guise of waiver-granting, to Washington, DC to gain the stamp of approval from this failed system is the wrong way of doing business and must be curtailed.

Second, Government and dollars alone will not solve the problem. We need to bring in nongovernmental, charitable organizations, and citizens to be a part of the solution.

Finally, let me say that as we debate welfare reform in the days to come, and as we confront the issue in the U.S. Senate, we have to understand that this is not just a debate about numbers. This is a debate about families, about human beings, where despair has come and hope is gone. We need to involve ourselves as communities and citizens. We need to disengage from the idea that Washington knows all and knows best. We need to make available to the people of this country the opportunity to tailor solutions to this challenge in State and local arenas.

Mr. President, I thank the Chair for the time.

FOREIGN RELATIONS REVITALIZATION ACT

The Senate continued with the consideration of the bill.

Mr. DOLE. Mr. President, the pending business is the State Department revitalization?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 2025

(Purpose: To withhold $3,500,000 from the "International Conferences and Contingencies" Account if the State Department expended funds for the World Conference on Women while Harry Wu was being detained in China)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for himself, Ms. SNOWE, Mr. LOTT, and Mr. HELMS, proposes an amendment numbered 2025.

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

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

The amendment is as follows:

On page 81, line 3, add the following:

(c) FURTHER CONDITIONAL AUTHORITY.—

(1) Of the funds authorized to be appropriated for Fiscal Year 1996, in (a), $3,500,000 shall be withheld from obligation until the Secretary of State certifies to the appropriate congressional committees, with respect to the United Nations Fourth World Conference on Women being held in Beijing, that no funds available to the Department of State were obligated or expended for United States participation in the United Nations Fourth World Conference on Women while Harry Wu, a United States citizen, was detained by the People's Republic of China.

(2) If the Secretary of State cannot make the certification in Section 301 (c)(1), the withheld funds shall be returned to the U.S. Treasury.

Mr. DOLE. Mr. President, this is for funding for international conferences. S. 908 is an important piece of legislation. It provides for a massive reinvention of our foreign affairs bureaucracies. Because of this, I am fearful that many of my colleagues on the other side, in fact, maybe all of my colleagues, will not let us complete action on this bill.

Chairman HELMS and the subcommittee Chairperson SNOWE deserves credit for bringing this landmark bill to the floor. I signed a letter in support of this earlier today, and ask that it be printed in the RECORD at the conclusion my statement.

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

(See exhibit No. 1.)

Mr. DOLE. I signed the letter, along with Senator HELMS and Senator SNOWE.

Regardless of what happens on the cloture vote tomorrow, there is an issue we should address today: The United States plan to attend the fourth U.N. Conference on Women, scheduled for September in Beijing, China. My amendment would withhold $3.5 million—50 percent of the total account—unless the Secretary of State certifies no United States funds were expended to finance a United States delegation to the women's conference while Harry Wu is detained in China.

As you know, since June 19, Harry Wu has been detained in China. Consular access to him, guaranteed under the terms of our 1982 agreement with China, was originally delayed. Last week, a suspicious tape was released by Beijing with Harry Wu confessing that his past exposes on human rights abuses in China were untrue. On July 9, Harry Wu was charged with offenses which could carry the death penalty. In light of his years of experience in the Chinese gulag, there is ample reason to fear for Harry Wu's safety.

Our relationship with China is at a crucial crossroads. We have many disputes with Beijing including trade, proliferation, human rights, and Taiwan. We must, however, choose our course of

action carefully. As Dr. Henry Kissinger said before the Senate Foreign Relations Committee earlier this month. "The danger of the existing rollercoaster toward confrontation to the United States and China is incalculable." I share Dr. Kissinger's concern over the dangers of a full-scale confrontation.

However, the most fundamental duty of a government is to protect the rights of its citizens—and Harry Wu is an American citizen. I urge the Chinese to release him. No improvement in relations will be possible as long as he is detained.

Mr. President, there are many problems with the fourth U.N. Conference on Women. I share the view recently expressed by Senator KASSEBAUM and Congressman HAMILTON on U.N. conferences:

The United Nations is in Peril of becoming little more than a road show traveling from conference to conference. If an issue is serious, a conference will not solve it; if it is not serious, a conference is a waste of time.

In my view, the United States should stay away from any U.N. conference with goals and agendas which do nothing to promote American interests—whether they are held in Beijing, Brusslels, or Boston.

There are many reasons to stay away from the U.N. Women's Conference—from the systematic exclusion of certain nongovernment organizations to the irony of holding a human rights conference in a country with a poor human rights record. The tilt toward anti-Americanism and radicalism—always present in lowest common denominator U.N. conferences—was particularly pronounced for the Women's Conference. There was even a controversy over the definition of gender in the preparatory meetings of the conference.

There should be no doubt that China will use the Women's Conference to enhance its prestige and international image. It is our view that the United States should not be a party to what will surely be a propaganda exercise as long as Harry Wu is detained. It would be wrong to attend a human rights conference when an American citizen is unjustly detained.

We should be realistic. The administration can use already appropriated funds to go to Beijing. We cannot stop that today. However, we can make our position clear. For the administration, the choice in this amendment is simple—stay away from the Women's Conference while Harry Wu is detained or lose 50 percent of your ability to fund such conferences in the future. I urge my colleagues to support the amendment.

EXHIBIT 1

U.S. SENATE,
Washington, DC, July 26, 1995.

DEAR COLLEAGUE: Six weeks ago, with the support of every Republican member, the Foreign Relations Committee passed S. 908, the Foreign Relations Revitalization Act. This legislation is the first authorization measure to reach the Senate floor within budget targets, fulfilling the mandate the American people gave us last November. This bill is a promise kept: Money is saved, bureaucracy eliminated, and the ability of our nation to conduct foreign relations enhanced.

This reorganization of the U.S. foreign policy apparatus saves $3.66 billion over four years. A similar measure has already passed the House. Three agencies, the Arms Control and Disarmament Agency, the Agency for International Development and the United States Information Agency are abolished and their functions rolled into the Department of State.

The core functions of these agencies are not lost. Despite propagandizing to the contrary, independent broadcasting is protected; arms control and non-proliferation will be strengthened; and assistance programs which support national interests will be liberated from a convoluted AID bureaucracy. This consolidation plan has been endorsed by five former U.S. Secretaries of State: Henry Kissinger, George Shultz, Alexander Haig, James Baker and Lawrence Eagleburger. And as Henry Kissinger recently said, if given a truth serum, Secretary Christopher would endorse it too.

There is, however, an alternative to this reorganization plan. It is called the status quo.

Earlier this year, Secretary of State Christopher suggested a similar reorganization of the foreign affairs structure of this country, only to be beaten back by Washington bureaucrats protecting their fiefdoms. Attempts to engage the Clinton Administration were rebuffed consistently; repeated offers to find common ground have been rejected or ignored. The Administration has offered no alternatives and no savings.

President Clinton's second budget calls for a 20 percent cut in all non-defense accounts. S. 908 delivers on that call. But there is only one way to meet budget targets and still preserve the core elements of U.S. international operations: Consolidation of our foreign affairs agencies.

This should not be a partisan battle. A vote to sacrifice desk jobs for programs that support U.S. national security and humanitarian goals should be an easy one. But the Administration and the Democrats cannot accept that sacrifice, which means partisanship may rule the day. Their plan, detailed in an AID memo, is to "derail, delay and obfuscate" the process. Let us move this bill quickly, defeat efforts to preserve the bureaucratic status quo, and prove that we, at least, are serious about cutting spending. We need your vote.

Sincerely,

BOB DOLE,
OLYMPIA SNOWE,
JESSE HELMS.

AMENDMENT NO. 2026 TO AMENDMENT NO. 2025

Mr. HELMS. Mr. President, of course I support Senator DOLE's amendment. Before I discuss it, I have a second-degree amendment to the Dole amendment at the desk, which I ask 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 2026 to amendment No. 2025.

The amendment is as follows:

At the end of the pending amendment, add the following:

SEC. . UNITED NATIONS DIPLOMATIC DEBTS.

Of the funds authorized to be appropriated for fiscal year 1996 in section 201 and section 301, not less than $20,000,000 shall be withheld from obligation until the Secretary of State reports to the Congress:

(1) the names of diplomatic personnel accredited to the United Nations or foreign missions to the United Nations, which have accrued overdue debts to businesses and individuals in the United States; and

(2) that the United Nations Secretary General is cooperating fully with the United States or taking effective steps on his own, including publishing the names of debtors, to resolve overdue debts owed by diplomats and missions accredited to the United Nations.

Mr. HELMS. Mr. President, as I indicated, I am a cosponsor of Senator DOLE's amendment which is an excellent amendment. It encourages the administration to do what it already should have done: make a strong protest to the Chinese over the arrest and detention of the American citizen and friend of many of us in the Congress, Harry Wu.

Just 2 weeks ago, Mr. President, I met with Harry Wu's wife in my office. Jing Lee is a lovely person. She said privately, and then again on the lawn of the White House, the United States should refrain from sending a delegation to the United Nations Fourth Conference on Women in Beijing until Harry Wu is released safely. She asked, ever so insightfully, "Why would the United States wish to confer international recognition and legitimacy on the Chinese Government at a time when it is holding an American citizen in captivity?"

Over the weekend, the newspaper ran articles showing that the President is considering meeting with the Chinese premier in this area of détente, as Secretary of State Christopher is now referring to it. After the President goes through with that meeting, and Harry Wu is not released, then we absolutely have no business sending any Americans over to that conference in Beijing.

If the truth be known, the Beijing women's conference is fraught with problems from top to bottom, starting with the city in which it is being held. Taking a paltry $3.5 million away from one account in the State Department is, in the short-term, the best way the Senate has to send a signal in support for Harry Wu's release.

I might inquire of the majority leader, does the Senator seek the yeas and nays on his amendment?

Mr. DOLE. I will seek the yeas and nays, and I think the Senator will seek the yeas and nays on the second-degree amendment.

Mr. HELMS. I will seek the yeas and nays after the Senator.

Mr. DOLE. If I could speak to the second-degree amendment. I thank the Senator from North Carolina. I see on his desk a story that appeared in the

Washington Times, and that is the purpose of the amendment offered by the Senator from North Carolina.

Mr. President, there are many problems in the U.N. system but today's front page story in the Washington Times is another outrageous example of the lack of accountability in the United Nations. More than $9 million in overdue debts have been accumulated by foreign diplomats and foreign missions in New York. Bills for landlords, hospitals, banks, stores, and restaurants all go unpaid while the diplomats hide behind the U.N. blue flag.

The U.N. Secretary General issued a report recognizing the problem was serious. For example, some missions have not paid rent for 2 years; property owners were in danger of losing properties but diplomatic tenants cannot be evicted. The Secretary General, however, refused to name names. Instead, he suggested a working group to study the problem. I think we all know how to solve the problem. Don't form yet another layer of bloated bureaucracy—just get the bills paid.

This second-degree amendment offered by Senator HELMS is very simple. It withholds $20 million—roughly double the amount owed by deadbeat diplomats—until the Secretary of State certifies two things: First, the identities to the deadbeat diplomats by name; and second, that the U.N. Secretary General is addressing the problem and getting debts paid.

The money we appropriate for the United Nations is not an entitlement. And, yes, the administration may have committed our Government to more money that we are willing to appropriate. But Congress does not have to sit by while the United Nations provides cover for deadbeat diplomats getting special treatment.

I certainly urge my colleagues to support the second-degree amendment of the Senator from North Carolina.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, let me begin by saying to the distinguished majority leader that I hope it might be possible to set this aside temporarily, simply because we have a couple of Senators who have amendments, or at least desire consideration, with respect to Harry Wu. It may not bear directly on this, but I think it would bear on the debate.

Mr. DOLE. We could set them aside with the understanding somewhere around 6 or 6:30 we would have a vote. We would not want to set them aside and have someone say we will never vote on them.

Mr. KERRY. We will be glad to.

The majority leader is about to leave, I suppose, but let me say that I think there is not any issue in the U.S. Senate about how we feel about Harry Wu's detainment. I think there are probably 5 or 6, or, I do not know, maybe 100 different ideas here about how we might properly signal our disaffection, anger, frustration over it. I am genuinely not convinced that the way to do it is deny us participation in a conference that highlights human rights. It seems to me, when you measure the U.S. record against every other country in the world, we are the leader on human rights. It has been the United States, among all of the industrial countries, that has tried to assert human rights as a part of our foreign policy and also as a part of our efforts to do business in other parts of the world.

I think it is fair to say that many of our allies—many of our closest allies, our best friends in the international arena—have been very slow to come to the level of international concern for human rights that we have tried to exhibit in public policy.

For the United States to take an action that willfully deprives us of our own voice in the international arena, seems to me to be a very shortsighted, shoot-yourself-in-the-foot, try-to-conduct-diplomacy-with-one-foot-nailed- to-the-floor approach. It just does not make sense.

In many ways, I suspect that China is apprehensive about the holding of this conference in Beijing. This cannot, in the midst of their transition, be a very stable time for them to have thousands of women from around the world descending on their capital, with all of the media from the world attendant, all listening to comparative analyses of the rights that are afforded to citizens in each of those present countries. If we just step up and take ourselves out of the picture, what we are doing is denying ourselves our own role of leadership. We are denying ourselves a voice at the conference. I suspect we are playing right into the hands of those who would love to have a low-key, noncontroversial, nonconfrontational, nonsubstantive conference. If you want to have that, then let us come to the floor of the Senate and deny American women, who have been preparing for this for years—literally—the right to go to Beijing and hold up the record of the Chinese on human rights for all the world to see.

It just does not make sense. I would be in favor of coming to the floor and finding a means, as President Clinton has exhibited a willingness to do, to try to do something that puts teeth in the policy, and that literally matters more. To pick the women's conference and suggest that somehow that matters in a major way to the Chinese leadership is to misread China and, I think, to misread opportunity.

President Clinton, I read today, has already said he is not willing to sit down and meet with the President of China unless Harry Wu is free. There are many other ways for us to come to the floor and leverage Harry Wu's freedom, and we ought to. We ought to do that. But it seems to me this is one of the weakest and most tangential of the ways of doing it.

For those who want to read mischief into this amendment, it is not hard to do that. There are a lot of people who have never approved of U.S. participation in the women's conference. There are people who tried to stop participation at the Nairobi conference, if I recall correctly. There are people who have objected to the notion that we would get together and talk about family planning and other such issues important to women or women's rights.

So I rather suspect there is more to this amendment than Harry Wu's freedom. If Harry Wu's freedom is really what this amendment is about, then we can find a much more forceful and intelligent way of putting that issue before the U.S. Senate. But to deny ourselves, as I say, our own participation as a leader in human rights and an opportunity to go to Beijing and hold up for all the world to see the degree to which China is lacking with respect to that, I think is just a very weak and negligible, unimportant way to approach this particular issue. I hope colleagues will recognize that there are other amendments which will afford them the opportunity to vote on some legitimate and important way of signaling our displeasure with the detention of Harry Wu. I do not think this is the method. I hope there will be more said on that as we go down the road.

I reserve further time to speak on that as we progress. I see other colleagues are here on the floor, so I will yield the floor for now.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I rise as an original cosponsor of the amendment that has been offered by the Senate majority leader. I speak today as one of, I think, the Senate's strongest advocates of the U.N. Conference on Women. But it is precisely because of the conference's importance that I support the distinguished majority leader's amendment to call on the President, really, in essence, not to send an official delegation to that conference until Harry Wu is released.

Frankly, this is what it is all about. It is about Harry Wu. And it is also about principle and at what point do we stand up and support principle.

As we debate this issue, we are really speaking about one of our most courageous citizens, who continues to be unjustly incarcerated in China. Today, Chinese authorities are violating his most fundamental human rights and are threatening his very life with a trumped-up charge of espionage, which, in China, is a capital crime.

We face a critical juncture in our relations with the People's Republic of

China. Given China's gross violation of Harry Wu's rights and privileges as an American, I certainly cannot support this country's participation in the women's human rights conference that is set to get underway on September 4. What kind of message does it send? That is exactly what China wants. China wants to have it both ways. They want to be able to have Harry Wu in prison and, at the same time, as their backdrop will be this human rights conference. It is a conference on women and it is a conference on human rights. I have been very much a supporter of that conference.

So I hope no one will question my motivations as to why I am supporting this amendment, and I am a cosponsor. Because at some point I believe you have to support principle. Yes, sometimes this is discomforting. Some people say this is just what China wants. I hardly believe that.

China wants to be able to do that in spite of keeping Harry Wu in prison. They want to be able to have credibility and look at the international community as having their human rights conference in China in spite of the fact they have grossly violated Harry Wu's rights.

That is what this is all about. And what kind of message will we be sending? I know everybody is in a quandary as to what to do, understandably so. But sometimes you finally meet the bottom line, and you say, "We cannot do it." No, the First Lady should not attend the conference. But we should not send an American delegation. That is what this amendment is all about.

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

Ms. SNOWE. I would like to finish my statement.

I think that it would be simply wrong because of the issue of Harry Wu's rights. What he has attempted to do is to have the tragedies exposed, the gross violations of human rights that have occurred in China. He has risked his life. I think we ought to learn from that.

I would like to quote for you from his book "Bitter Wind." It was published in 1994. In discussing his decision to return to China in 1991 to film his famed exposé, "The China Secret Prison Facilities," he wrote in 1991:

> I married, and for the first time I found deep personal happiness. But just 4 months later I arranged to travel back to China. Outside China much was known about the Nazi concentration camps and about the Soviet gulag, but almost no information was available about the carefully developed system of forced labor that had kept millions of Chinese citizens incarcerated in brutal and dehumanizing conditions, frequently without sentence or trial. Returning to China meant risking my own rearrest and reimprisonment. Perhaps I would once again disappear. Even though I had wanted to forget the suffering of the past after arriving in the United States and had wanted to heal the wounds in my heart, the 19 years of sorrow would not stop returning to my mind. I could not forget those who still suffer inside the camps. If I did not undertake this task, I asked, who would? I felt a responsibility not just to disclose but to publicize the truth about the Communist Party's mechanism of control. Whatever the risk to me, whatever the discomfort of telling my story, each time I revisited my past, I hoped it would be the last time. But I had decided that my experiences belong not only to me and not only to China's history, they belonged to humanity.

Well, Harry Wu is an American. He belongs not only to us, not only to those he left behind to China's gulag, but he also belongs to humanity. And that is why we have to take every necessary step possible to get Harry Wu released.

When it comes to the conference, yes, there are a number of important issues. I have been a supporter of all the previous conferences, and I have been engaged in providing input on the development of the agenda. But I think there is a time that we have to make certain decisions as a country.

There was great reluctance to have this conference in Beijing because of obvious reasons—the country's severe restrictions on human rights and most basic freedoms of speech and press. We also know what China has done to governmental organizations. They have basically placed their conference about 75 miles away from Beijing with a great deal of confusion and restrictions upon accreditation of the various representatives who are seeking to go to that conference, as well, which will occur a week before the conference on women.

So there have been a number of attempts to encroach on the ability of those people who want to attend, and certainly their ability to participate in the conference, in making it obviously very difficult.

But above and beyond everything else is looking at what Harry Wu represents and what he has done. Frankly, I just cannot imagine China as a backdrop for this conference at a time in which Harry Wu is in prison.

So I think it is important to take this step. It is one that I do not take lightly. I gave it a great deal of thought. But I think that we can do no less in making a very strong statement about how we feel as a nation toward China's treatment toward one of our citizens, but to anyone.

So that is why I am supporting this amendment.

Mr. KERRY. Will the Senator yield for a question?

Ms. SNOWE. Yes. I will be glad to yield for a question.

Mr. KERRY. I wonder why the Senator does not feel that—recognizing the fact that the United Nations and the United States signed off on the location, and the location issue is sort of behind us—why the Senator would not feel that having an American presence there which, on a daily basis, raised the issue of Harry Wu before the conference, which required the conference to deal with Harry Wu's detention, which used this platform as a means of underscoring, would not be stronger than simply denying ourselves our own presence.

It will not stop the conference. The conference will go on. Everyone else will be there. And they will not raise this issue necessarily as vociferously and as passionately as we might.

So why would we not be better off directing our delegation to raise it on a daily basis and pass a resolution from this conference with respect to Harry Wu?

Ms. SNOWE. I say to the Senator that I happen to think we have different opinions on the subject, but I happen to think that this will enhance China's credibility in the international community to hold this conference. Frankly, I think China would find it very difficult if the conference was not held in Beijing. I think that happens to be a stronger statement, in my opinion, than holding the conference—and certainly China would view it and interpret it as suggesting that in spite of what they have done, they are still holding this conference in this country. Mind you, Beijing was on the list as the next country in line to hold the conference. There was reluctance even at that point at the United Nations to hold that conference in Beijing for the reasons that we all know. Now, this has happened.

I just frankly do not feel that it would be appropriate for this country to send our delegation there talking about the very important issues but at the same time sending the message that we are still going to talk about these issues in spite of the fact that Harry Wu is in prison.

Mr. KERRY. But my question is why not send them there to talk about Harry Wu?

Ms. SNOWE. They have an agenda. I have a letter here.

Mr. KERRY. They can talk about Harry Wu. The conference is going to happen. The Senator keeps talking as if we are not participating.

Mr. HELMS. Mr. President, the Senator asked a question. Let the Senator from Maine respond.

Ms. SNOWE. Harry Wu is an American citizen. So, therefore, we have an obligation or responsibility to make those determinations as a country. I agree that is important, too.

Mr. KERRY. Will the Senator yield?

Ms. SNOWE. May I finish my statement? It is important for the United States to make that decision. I think it is that important, frankly, to say something about human rights. To hold a conference in a country which has violated in the worst way the human rights of an American citizen, I think that we have to stand up and be counted. It is not easy because there

are many important issues on that agenda which are very important to women throughout the country. I have been a leader on those issues on international human rights for women. I put a number of provisions in the State Department authorizing bill last year on this very subject. I feel very strongly about it.

I feel very strongly about it. But I also feel very strongly about what China has done to Harry Wu.

Mr. KERRY. Will the Senator yield further for a question?

Ms. SNOWE. Yes.

Mr. KERRY. I would say to the Senator, Mr. President, there is nobody here who does not feel strongly about what they have done to Harry Wu. This is not a debate about whether Harry Wu should be left to be a prisoner or not. This is a question of what is the most efficient——

Mr. HELMS. The Senator is not asking a question.

Mr. KERRY. Does the Senator from North Carolina want me to stop——

The PRESIDING OFFICER. The Senator from Maine has yielded for a question.

Mr. KERRY. I was in the midst, I thought, Mr. President, of asking a question.

I ask the Senator if she does not realize from the writings of Harry Wu and the risks that Mr. Wu has been willing to take that he would probably prefer that this conference took place and that it raised the issues with the United States there to raise them? And I wonder if she has thought about whether or not Harry Wu would rather have the delegation be present.

Ms. SNOWE. I think Harry Wu would want the United States to stand up for him, and I happen to think—again, I cannot say what Harry Wu would think, but I think that China would feel very much slighted as well as insulted in the international community if the American delegation did not go to this conference; in fact, if the conference was not held at all. I think the international community should make that decision.

Mr. KERRY. Mr. President, will the Senator yield further?

Ms. SNOWE. Harry Wu has given his life to expose the unspeakable crimes that not only he endured in China's prisons but what others are enduring. I think it is a slap in the face what China has done to the United States. But it is more than that. It is what they have done to an individual. And I think that we have to stand up. I would like the international community to stand up and say, no, we will hold the conference someplace else. It is inconvenient to change the location of this conference, but we are going to do it.

What kind of message would that send to China? It is obvious they want to have it both ways. Look what they did, what they released recently in a tape with Harry Wu.

Mr. KERRY. Will the Senator yield?

Ms. SNOWE. They want to be able to show that they are evenhanded and fair.

I would be glad to yield to the chairman.

Mr. HELMS. Will the Senator yield for a question?

Does the Senator remember my mentioning to her the visit I had with Mrs. Harry Wu, in which she asked that the U.S. delegation not be present? Does the Senator recall that meeting, that she came to my office and made that request herself? Does the Senator recall that?

Ms. SNOWE. Yes, I do, as a matter of fact.

Mr. HELMS. It is made a matter of record at this point.

Ms. SNOWE. I think that that would answer the Senator's question.

Mr. KERRY. Mr. President, my question to the Senator again is, when the United States takes a step unilaterally, we tend to confuse our capacity to send a message. And I ask the Senator, would she not think that if this were, indeed—this Senator would agree that if a conference as a whole were not held there or were moved, that would, indeed, be of significant implication, that that would have an impact.

Would we not be better off passing a resolution which sought a multilateral response rather than one that simply denies ourself our own voice?

I ask the Senator, would she not then think it a better idea to find a stronger way to try to send a message?

My point is merely that this really deprives us of something and does not have the full impact. I would join the Senator if she wanted to try to change the whole location or if she suggested we should engage in a multilateral effort to see that the conference did it. That would be a slap in the face of China.

Ms. SNOWE. I certainly would not be opposed to a multilateral response, but at the same time it should not preclude our position in terms of what we think is important for this country in the final analysis. I do not think that prevents the United States from seeking a multilateral approach in changing the site of the conference. If the other countries do not agree, then I do not think that it should prevent us from doing what we think is right.

Mr. KERRY. Mr. President, clearly we are not going to be prevented from what we think is right. The question is whether we can find a strong and forcible best means of sending this message. I simply ask the Senator whether or not that or a number of other methods I might add might not strike more at something meaningful to China than taking away the single, strongest human rights voice in the world from a conference that they are trying to frustrate anyway? This plays right into their hands.

The reason it has been moved, the reason that there are so many difficulties with accreditation is that the leadership fears this conference. And here we are coming along and adding to that.

I ask the Senator why we strike in a way that somehow nails our own foot to the floor rather than theirs?

Ms. SNOWE. I would answer the Senator by saying that it is remarkably striking that China sought to do what it did in face of the fact it very much wanted to have the conference. That is why I happen to believe that precluding our delegation from attending the conference or even having the conference there, sure, that would be the best of all worlds, but we cannot depend upon that response in the final analysis. We certainly should encourage it and prevail upon other countries. And I do not say that we should take that as a position as well. But I do not think we should then say we are going to attend the conference if we cannot change the site of that conference.

I just happen to think it is amazing that China would do this in light of the fact it very much wanted to have the conference. It was very eager to host that conference. And there was a question as to whether or not to even host that conference in Beijing to begin with, let alone before all this developed. But I think it makes a mockery of the very purpose of that conference.

That is what I happen to believe. And I feel very strongly about the issues which are on that agenda to empower women throughout the world on a host of issues that I have worked on personally. But I also think we have to stand up and be counted. There is always a reason why we cannot do something—well, it is better for us. This is what China wants.

We have heard that before, but it has not stopped China.

Has it stopped China? No. It has not stopped China from doing a number of things recently that certainly have been an affront to our policies and what we stand for. And at what point do we demand something in return when it comes to human rights? I just happen to think the conference should not go on, no. But I certainly do not think that we should attend that conference.

That is what I happen to think. That is what I think happens to be the strongest message and that is why I am supporting this amendment.

I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER (Mr. NICKLES). The Senator from North Carolina.

Mr. HELMS. Mr. President, changing the venue on the Beijing conference is an absolute impossibility, and I am sure my well-informed colleague from Massachusetts knows that. At this point, I agree with the distinguished

Senator from Maine and the distinguished majority leader that the strongest means of sending a message from the United States is to do it unilaterally because we really do not have any other choice.

Mr. President, what is the pending business?

The PRESIDING OFFICER. The Senator's second-degree amendment to the majority leader's underlying amendment.

Mr. HELMS. I thank the Chair.

Mr. President, I will not be long in discussing my amendment. I thought about it when I read the Washington Times this morning and saw the headline, "U.N.'s Deadbeat Diplomats Owe Millions." Then the subhead says, "African Nations Ring Up Largest Debts to New York Shops, Banks, and Lenders."

In that, Secretary General Boutros Boutros-Ghali said in a report to the Committee on Relations with the Host Country, and I quote him:

> Non-payment of just debts reflects badly on the entire diplomatic community and tarnishes the image of the United Nations itself.

Then the Washington Times went on to say:

> The topic is so sensitive around the United Nations that, until recently, the problem was not publicly mentioned. But the secrecy and inaction have allowed the debt to grow to $9 million from the previous balance of just $1.1 million in 1990; it swelled by nearly $2 million in the past half-year alone.

I ask unanimous consent that this entire article be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HELMS. Mr. President, in general, the pending second-degree amendment to the Dole amendment addresses the debt owed to the United States, or to private enterprises of our country, by deadbeat U.N. diplomats who just do not pay their bills. They owe over $9 million for late payments or failure to pay at all on rent and everything else imaginable that these deadbeats have purchased or contracted for.

That reminds me of an amendment that I offered last year that required diplomats right here in the District of Columbia, as well as other places, to pay up on the parking fines owed to the District of Columbia. I am proud to say that it worked because they were in deep, deep trouble if they did not pay.

This amendment is just about the same. It sheds sunshine on those diplomats who choose to ignore paying their just debts, as Boutros Boutros-Ghali described it in his statement as quoted in the newspaper this morning.

I think that the publicity may embarrass these people into paying these bills. If not, this second-degree amendment to the Dole amendment will certainly prompt their attention. Since the Secretary General has refused to identify any of the diplomats or the missions that owe money, it is up to the U.S. Congress to urge him to do so in a very forceful way. If this provision is adopted, as I hope it will be, the deadbeats in the United Nations will be known by one and all, and they will be embarrassed into paying their bills.

The yeas and nays have not been obtained on either amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

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

The PRESIDING OFFICER. Is there a sufficient second?

At the moment, there appears not to be a sufficient second.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. Is there objection to it being in order to ask for the yeas and nays on the first-degree amendment? Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

EXHIBIT 1

[From the Washington Times, July 31, 1995]

U.N.'S DEADBEAT DIPLOMATS OWE MILLIONS

AFRICAN NATIONS RING UP LARGEST DEBTS TO NEW YORK SHOPS, BANKS, LANDLORDS

(By Catherine Toups)

NEW YORK.—If the peace-keeping failures of Bosnia and Somalia haven't brought enough shame on the United Nations, U.N. officials fear that deadbeat diplomats will.

Hiding behind the shield of diplomatic immunity, diplomats and missions posted to the United Nations have accrued more than $9 million in debts to U.S. banks, landlords, hospitals, hotels, utility companies and merchants in New York City, according to a U.N. report.

And while the trickle-down economic boost of housing U.N. headquarters enriches New York City by about $1 billion each year, diplomats are finding less of a welcome from landlords, hospitals and banks that are growing increasingly reluctant to do business with diplomats, U.N. officials said.

"The problem of diplomatic indebtedness is a matter of significant concern," Secretary-General Boutros Boutros-Ghali said in a report to the Committee on Relations With the Host Country.

"Non-payment of just debts reflects badly on the entire diplomatic community and tarnishes the image of the United Nations itself."

The topic is so sensitive around the United Nations that, until recently, the problem was not publicly mentioned. But the secrecy and inaction have allowed the debt to grow to $9 million from just $1.1 million in 1990; it swelled by nearly $2 million in the past half-year alone.

Finally, at the insistence of the U.S. mission and the city of New York, the size of the debt is now public. But the names of the offending diplomats and missions are not.

Even in Mr. Boutros-Ghali's smoldering report, in which he scolds diplomats for not paying their bills and urges a "working group on indebtedness" to come up with solutions, he does not mention a single country or diplomat by name.

Mr. Boutros-Ghali also omitted the name of a prominent bank that he said will no longer make loans to diplomats or missions, and he did not identify real estate agents who say they are reluctant to deal with diplomats.

Mr. Boutros-Ghali's report said 31 mission have contributed to the debt but five missions alone account for 83 percent of it. The debts range from $200 to more than $1.9 million, he said. About 40 percent is owed to banks, 40 percent to landlords and the rest to merchants.

"Some missions had not paid rent for two years or more," Mr. Boutros-Ghali said. "And a number of residential landlords had either lost their property or were at risk of losing it because diplomatic tenants, who could not be evicted, would neither pay their rent nor leave the property."

Sources familiar with the issue say the top debtor missions are Sierra Leone, Congo, Zaire, Liberia and the Central African Republic.

"The vast majority of the 184 missions in New York and their over 1,800 diplomats honor their obligations," the secretary-general said.

Political and economic instability back home is part of the problem, the U.N. chief said in his report. But he also blamed some of the debt on bad fiscal management of missions and individual diplomats.

There is a certain irony to the United Nations scolding deadbeat diplomats. The world body itself is far from solvent because of member nations that fail to pay assessments in full or on time (the United States is first on that list).

The organization already owes more than $800 million to troop-contributing nations for peacekeeping operations, a debt that is expected to reach $1 billion by the end of the year.

The United Nations has also been accused of mismanagement and waste throughout its history, leading to periodic reforms, including several in the past year.

Several diplomats on the Committee on Relations With the Host Country, which handles problems between missions and the United States, have argued against making a public issue of diplomatic indebtedness for fear it will spark hostility against the diplomatic community.

A December 1993 New York Times article about delinquent parking tickets by diplomats prompted hundreds of complaints from New York residents who said diplomats don't deserve the privileges they have.

Russian delegates on the committee lobbied against publishing the names of deadbeat diplomats and missions, saying the problem is a private matter between the United States and the debtors.

"It would politicize the problem and would not help to solve it," said Sergei Ordzhonikidze of the Russian mission. "In diplomacy, it is important to be discreet."

Mr. Boutros-Ghali has asked the "working group on indebtedness" to look into several options to resolve the problem.

Ideas included creating an "emergency" fund, establishing group health insurance programs, giving debtors, short-term jobs at the Secretariat to earn extra money and creating information programs alerting missions to the high costs of living in New York.

But giving jobs to diplomats in "acute distress" financially was deemed unworkable and the idea of an emergency fund was also rejected. A representative of France on the committee suggested that for the cash-strapped United Nations to create a document publicizing the names of individual debtors and debt-ridden mission might be too political and "should be avoided."

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask the Senator from North Carolina, I think he is correct to bring this question of debt before the U.S. Senate. I think it is an important issue. The question is whether we should not withhold the amount of money commensurate with what the debt is reported to be rather than more than twice that amount, because we already have arrearages on peacekeeping, a significant amount of financial issues.

I respectfully suggest that it may be possible, let us say, with a $10 million figure, to leverage the same response, which I suspect the Secretary of State would be willing to try to elicit as rapidly as possible, rather than withholding twice the amount of money. I wonder if he would consider modifying it to that effect.

Mr. HELMS. I will say to the Senator, of course I cannot, save by unanimous consent, modify the amendment, but if he wishes to offer such an amendment by unanimous consent, I will certainly agree to it.

Mr. KERRY. I think we can amend it by unanimous consent.

Mr. HELMS. Of course. Yes. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HELMS. Mr. President, the amendment to be proposed under unanimous consent previously discussed is certainly agreeable with me, and I hope the Senator will offer it.

AMENDMENT NO. 2026, AS MODIFIED

Mr. KERRY. Mr. President, I ask unanimous consent that the second-degree amendment of the Senator from North Carolina be modified to read $10 million. I send it to the desk.

Mr. HELMS. Mr. President, before it is reported, this presumes that the Senator from Massachusetts has agreed that we shall have a vote on these two amendments this evening.

Mr. KERRY. Mr. President, I cannot personally agree to that at this point in time.

Mr. HELMS. I am not asking you to agree for the Senate, the Democrats in the Senate, I am asking if that means that you are in favor of it.

Mr. KERRY. I do not have a problem with a vote, but others do at this moment. I have to represent them as the manager. I am representing that I cannot agree at this point in time to have the vote this evening.

Mr. HELMS. May I ask the Senator, is this what we should expect for important legislation which is before the Senate——

Mr. KERRY. I think the Senator knows——

Mr. HELMS. Let me finish my question. This has been the experience on every piece of legislation we have had.

Mr. KERRY. Let me interrupt my friend. I may save him——

The PRESIDING OFFICER. Will Senators please yield? The Senator from North Carolina has the floor.

Mr. HELMS. All the people all over the country, the American people, are wondering why the Senate is so far behind the House in the conduct of legislation. The answer to that is, and somebody needs to say it, that there is a deliberate determination to forbid, delay, or obfuscate every piece of legislation that has been brought up. And I want to know before the clerk reports this modification whether we can expect the vote this evening on the Dole amendment and the Helms second-degree amendment as modified? I want an answer to that, and I suggest the absence of a quorum while the Democrats discuss that.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. KERRY. Mr. President, I ask my friend to withhold.

Mr. HELMS. No, I will not. I want to know whether we are going to have a vote this evening or whether it is going to be held up?

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. KERRY. Mr. President, we could have saved this entire exchange and quorum call if I had been permitted to simply say to my friend 4 minutes ago that the issue is not whether we will have a vote; the only question, as is normal in the Senate, is the timing. But because I was precluded from saying that, in order that the country can get a message about how we can never pass anything here, we get into these tangles. I wanted to only say to my friend the issue is when, not whether.

I do not know when every Senator will be back. Some are with the President. Some are with the National Governors Association. As soon as they get back from a day's work elsewhere in the country, they will be available to vote. That is normal procedure in the Senate.

My No. 2 response is that this Senator remembers last year very well. I will never forget it as long as I am in the U.S. Senate and privileged to be here. Vote after vote, bill after bill was brought forward in good faith, and it was stopped dead in its tracks by a conscious gridlock policy. So I am never going to stand here and hear any colleague on the other side talk about the delay or the problems of proceeding forward.

Every good-faith effort of Senator Mitchell to move the Senate forward was frustrated, and everybody knows that. Piece of legislation after piece of legislation that passed here went over to the House and came back—dead, dead, dead. So I am not going to hear anybody talk about a legitimate delay effort in the first 2 hours to legislate on this bill. If there is, we will sit here in quorum call for several days. Let us agree to that. That is just unfounded, uncalled for, unnecessary, and I think, frankly, out of order in the first hour and a half of this effort.

I yield the floor.

The PRESIDING OFFICER. Is there objection to the modification pending at the desk?

Without objection, the amendment is so modified.

The amendment (No. 2026), as modified, is as follows:

At the end of the pending amendment, add the following:

SEC. . UNITED NATIONS DIPLOMATIC DEBTS.

Of the funds authorized to be appropriated for fiscal year 1996 in section 201 and section 301, not less than $10,000,000 shall be withheld from obligation until the Secretary of State reports to the Congress:

(1) the names of diplomatic personnel accredited to the United Nations or foreign missions to the United Nations; which have accrued overdue debts to businesses and individuals in the United States; and

(2) that the United Nations Secretary General is cooperating fully with the United States or taking effective steps on his own, including publishing the names of debtors, to resolve overdue debts owed by diplomats and missions accredited to the United Nations.

Mr. HELMS. I thank the Chair.

Mr. KERRY. 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. JOHNSTON. 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. JOHNSTON. Mr. President, tomorrow in Brunei, the Secretary of State is going to meet with Chinese foreign minister Qian Qichen to discuss a very serious rift between China and the United States which has been brewing for some time and which has more recently erupted over the visit of President Lee of Taiwan to the United States.

My colleagues, I think, are fully aware of the importance of the China-American relationship. In my view, it

is the single most bilateral relationship the United States has.

Whether that characterization is correct, it is clear, Mr. President, that China is the key to Asia. It is the largest country, one of the fastest growing in the world. If our relationship with China and Asia is secure, then our relationship with Asia, for the most part, is secure.

If that relationship begins to spiral downward, as it has in recent months, then it portends terrible things for the United States—terrible things not only for our bilateral relationship, but for peace in the world.

Now, Mr. President, the problem with one of these relationships, when it begins to go sour, as our relationship with the People's Republic of China has begun to do, it begins to get a momentum of its own; portent of evil becomes a self-fulfilling prophecy, tempers become frayed, pride gets in the way, insults—whether intended or unintended—are imagined in every bit of conduct. Sometimes the downward spiral can get out of control.

Mr. President, this is a very, very serious matter, our relationship with China. It has been written about by people from both sides of the aisle, whether in Congress or out of Congress.

This meeting in Brunei is, therefore, a vitally, vitally important meeting. I have high hopes that from this meeting we can at least begin a process that will relieve our relationship with the People's Republic of China. Our relationship with the People's Republic of China is much broader and much more difficult than the detention of one American citizen, Harry Wu.

While we all are very concerned about that, Mr. President, the solution to that problem will not solve the whole relationship. It is a much, much, by many orders of magnitude, bigger problem than the problem of Harry Wu, as important as that may be.

Mr. President, I can think of nothing more unwise to do than to start legislating or making expressions about the Harry Wu situation on the eve of the meeting between our Secretary of State and the Foreign Minister of the People's Republic of China.

I believe, Mr. President, that both the United States and the People's Republic of China are trying to find ways to get this relationship back on track; trying to find ways, consistent with the principles of both countries, consistent with our long-held commitment to human rights, consistent with the importance of this relationship, consistent with China's determination that its "one China policy" be maintained as it has from the time of the Shanghai communique up to, I believe, the present day.

I believe both parties, both the United States and the People's Republic of China, are searching for the way to bring that relationship back together. To do so takes diplomacy that is most subtle and requiring the greatest degree of expertise of any kind of relationship we have. It does, in fact, deal with not only fundamental interests of both countries, but the pride, the feeling, the emotion contained on both sides of the Pacific Ocean.

Mr. President, I hope we will let this diplomacy, so vital to the basic interests of this country, play out and not try to sour the atmosphere in which that relationship will take place.

I believe that, if we enact this amendment, as easy as it sounds in its terms, as innocent as it sounds from the way it is written up, I believe the adoption of this kind of amendment would really sour the atmosphere, would be poking the People's Republic of China in the eye to make it much more difficult for our Secretary of State and the Chinese Foreign Minister to get this relationship back together.

I repeat, Mr. President, I believe this relationship is the most important bilateral relationship that this country has. China will, shortly after the turn of the century, be the largest economy in the world. It is the largest country in the world. Its power, both economically and in a military way, is growing every day. The latter, alarmingly so.

If we can just somehow get our relationship back together, reassure the Chinese that we are not trying to contain them, as some people in the United States say, if we can reassure them that our relationship will be one of friendship, consistent with our strong commitment to human rights, but nevertheless a relationship of friendship, I believe it is in the vital interests of the United States for that to take place. I hope, therefor, Mr. President, that we will not adopt the Dole amendment this evening or at any time until the Brunei conference is completed.

Mr. PELL. Mr. President, I rise to support the Senator from Massachusetts and the Senator from Louisiana. I think that Harry Wu has been treated in a dreadful manner. We all agree with that.

Of even greater importance is the relationship with China. I am reminded of the fact that the War of Jenkins' Ear, the 7-year war, started after such an incident. This could be such an incident.

The important thing is that we get on with our relationship with China and normalize our relations there.

Mr. KERRY. Mr. President, I thank the ranking member of the Foreign Relations Committee and the Senator from Louisiana for their comments.

Let me clarify to colleagues that this amendment does not, per se, prohibit the delegation from going. What it does is penalize, to the tune of $3.5 million, the account from which that conference participation would be paid, or other conferences would be paid, if, in fact, the President goes ahead and sends them.

So, in effect, it is a vote by the Senate as to whether or not we believe we ought to or ought not. There is punishment in it for the President choosing to exercise his constitutional prerogatives with respect to this. It does not, per se, prevent the President from doing so.

That does not mean that we should not, nevertheless, oppose this amendment by virtue of the fact that there are stronger ways to send this message.

I think it is very, very important to understand that opposition to this particular chosen method does not signal any kind of latitude with respect to Harry Wu. It does not signal anything other than our disapproval for that situation. In fact, there may, as the Senator from Louisiana has suggested, be far more effective ways to not only work his release but to deal with a host of other issues which we share with China.

In the last few months, we have been going down a road that is defined largely by our mutual misinterpretation of each other to a certain degree.

If there is any lesson that we should have learned in the last 20 years, I think it is that we are not going to unilaterally, through some very public confrontational method, alter an immediate event in China. It does not work that way. It has not worked that way along the course.

It is usually when we work a fairly fine-tuned, and over the course of a longer period of time, strategy that is very much interfaced with personal relationships and personal respect that we begin to make the most progress. Every time we step out of that, we seem to take steps backward. I think there are many ways to affect Harry Wu's status. We ought to pursue every single one of them.

To suggest that when they have already separated the nongovernmental organizations from the main U.N. conference in Beijing, and they have done that specifically to deny the capacity of the nongovernmental organizations to follow the events closely or have a major impact on them, it is clear they are already in a damage control mode.

They are trying to manage this conference in a way that minimizes particularly the capacity of American participation to have an impact.

I respectfully suggest that to have American participation leveraging Harry Wu's status, as well as the other issues, poses a far greater challenge to their ability to manage the news and the output and events than our nonparticipation.

If the conference is going to take place anyway and we are simply going to say we are not going to do this out of protest, we not only minimize our voice but we also set into place a series of events that the Senator from Louisiana has talked to, which will have a whole bunch of collateral downsides. I

do not think it is smart foreign policy. I do not think it accomplishes the goal we are setting out to accomplish.

Mr. President, I ask my friend from North Carolina if we could temporarily set aside the pending amendment for further business?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HELMS. Mr. President, I ask unanimous consent that the two pending amendments be very temporarily laid aside, in order that we can call up the managers' amendment, which is numbered 1914, as I understand it.

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

AMENDMENT NO. 1914

(Purpose: To make the "manager's" amendments to the bill)

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1914.

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 text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. HELMS. Mr. President, as I understand it, I say to my colleague, Senator KERRY, everything has been agreed to except the Jordan drawdown, is that correct?

I ask that be eliminated from this temporarily—and it may be reinserted at a later time by unanimous consent.

Mr. KERRY. Mr. President, I ask unanimous consent that section 619 be stricken from the amendment.

The PRESIDING OFFICER. Is there objection to that modification? The amendment is so modified.

The amendment (No. 1914) as modified, is as follows:

Beginning on page 11, strike line 14 and all that follows through line 4 on page 12.

On page 13, strike lines 6 through 12 and insert the following:

SEC. 121. LEASE-PURCHASE OF OVERSEAS PROPERTY.

(a) AUTHORITY FOR LEASE-PURCHASE.—Subject to subsections (b) and (c), the Secretary is authorized to acquire by lease-purchase such properties as are described in subsection (b), if—

(1) the Secretary of State, and

(2) the Director of the Office of Management and Budget,

certify and notify the appropriate committees of Congress that the lease-purchase arrangement will result in a net cost savings to the Federal government when compared to a lease, a direct purchase, or direct construction of comparable property.

(b) LOCATIONS AND LIMITATIONS.—The authority granted in subsection (a) may be exercised only—

(1) to acquire appropriate housing for Department of State personnel stationed abroad and for the acquisition of other facilities, in locations in which the United States has a diplomatic mission; and

(2) during fiscal years 1996 through 1999.

(c) AUTHORIZATION OF FUNDING.—Funds for lease-purchase arrangements made pursuant to subsection (a) shall be available from amounts appropriated under the authority of section 111(a)(3) (relating to the Acquisition and Maintenance of Buildings Abroad" account).

Beginning on page 18, strike line 1 and all that follows through line 2 on page 21 and insert the following:

SEC. ___. DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.

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

(1) The Diplomatic Telecommunications Service Program Office (hereafter in this section referred to as "DTS–PO") has made significant enhancements to upgrade the worldwide DTS network with high speed, high capacity circuitry as well as improvements at United States embassies and consulates to enhance utilization of the network.

(2) Notwithstanding the improvements that the DTS–PO has made to the DTS network, the current management structure needs to be strengthened to provide a clearly delineated, accountable management authority for the DTS–PO and the DTS network.

(b) REPORT REQUIRED.—No later than three months after the date of enactment of this Act, the two agencies providing the greatest funding to DTS–PO shall submit to the appropriate committees of Congress—

(1) a DTS–PO management plan—

(A) setting forth the organization, mission and functions of each major element of the DTS–PO; and

(B) designating an entity at each overseas post, or providing a mechanism for the designation of such an entity, which will be responsible for the day-to-day administration of the DTS–PO operations; and

(2) a DTS–PO strategic plan containing—

(A) future customer requirements, validated by the DTS customer organizations;

(B) a system configuration for the DTS network which will meet the future telecommunications needs of the DTS customer agencies;

(C) a funding profile to achieve the system configuration for the DTS network;

(D) a transition strategy to move to the system configuration for the DTS network;

(E) a reimbursement plan to cover the direct and indirect costs of operating the DTS network; and

(F) an allocation of funds to cover the costs projected to be incurred by each of the agencies or other entities utilizing DTS to maintain DTS, to upgrade DTS, and to provide for future demands for DTS.

(c) DEFINITION.—As used in this section, the term "appropriate committees of Congress" means the Select Committee on Intelligence, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate and the Permanent Select Committee on Intelligence, the Committee on International Relations, and the Committee on Appropriations of the House of Representatives.

Beginning on page 47, strike line 18 and all that follows through page 49, line 15, and insert in lieu thereof the following:

"(ii) As used in this subparagraph:

"(I) CONFISCATED.—The term "confiscated" refers to—

"(aa) the nationalization, expropriation, or other seizure of ownership or control of property, on or after January 1, 1959—

"(AA) without the property having been returned or adequate and effective compensation provided or in violation of the law of the place where the property was situated when the confiscation occurred; or

"(BB) without the claim to the property having been settled pursuant to an international claims settlement agreement or other recognized settlement procedure; or

"(bb) the repudiation of, the default on, or the failure to pay, on or after January 1, 1959—

"(AA) a debt by any enterprise which has been confiscated;

"(BB) a debt which is a charge on property confiscated; or

"(CC) a debt incurred in satisfaction or settlement of a confiscated property claim.

"(II) PROPERTY.—The term "property" means any property, whether real, personal, or mixed, and any present, future, or contingent right or security of other interest therein, including any leasehold interest.

"(III) TRAFFIC.—The term "traffic" means that a person knowingly and intentionally—

"(aa) sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, obtains control of, manages, uses, or otherwise acquires an interest in confiscated property;

"(bb) engages in a commercial activity using or otherwise benefitting from a confiscated property; or

"(cc) causes, directs, participates in, or profits from, activities of another person described in subclause (aa) or (bb), or otherwise engages in the activities described in subclause (aa) or (bb)

without the authorization of the national of the United States who holds a claim to the property.

On page 50, between lines 14 and 15, insert the following new subsection:

(c) REPORTING REQUIREMENT.—(1) The United States Embassy in each country shall provide to the Secretary of State a report listing those foreign nationals who have confiscated, converted, or trafficked in property the claim to which is held by a United States national and in which the confiscation claim has not been fully resolved.

(2) Beginning six months after the date of enactment of this Act, and every year thereafter, the Secretary of State shall submit to the appropriate congressional committees a list of those foreign nationals who—

(A) have confiscated, converted, or trafficked in property the claim to which is held by a United States national and in which the confiscation claim has not been fully resolved; and

(B) have been excluded from entry into the United States.

On page 58, line 10, insert "and" after "operations;".

On page 58, strike lines 13 through 15.

On page 58, line 8, insert "relevant" after "all".

On page 59, line 9, strike "has provided, and".

On page 59, beginning on line 19, strike "for" and all that follows through "thereafter," on line 20 and insert "under this Act for each of the fiscal years 1996, 1997, 1998, and 1999".

On page 104, between lines 16 and 17, insert the following new sections:

SEC. 420. MANSFIELD FELLOWSHIP PROGRAM REQUIREMENTS.

Section 253(4)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6102(4)(B)) is amended by striking "certain" and inserting the following: ", under criteria established by the Mansfield Center for Pacific Affairs, certain allowances and benefits not to exceed the amount of equivalent".

SEC. 421. DISTRIBUTION WITHIN THE UNITED STATES OF THE UNITED STATES INFORMATION AGENCY FILM ENTITLED "THE FRAGILE RING OF LIFE".

Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461-1(a)) and the second sentence of section 501 of the United States Information and Education Act of 1948 (22 U.S.C. 1461), the Director of the United States Information Agency may make available for distribution within the United States the documentary entitled "The Fragile Ring of Life", a film about coral reefs around the world.

On page 107, strike lines 3 through 6.

On page 107, line 7, strike "(4)" and insert "(3)"

On page 107, line 11, strike "(5)" and insert "(4)".

On page 107, line 15, strike "(6)" and insert "(5)".

On page 107, line 20, strike "(7)" and insert "(6)".

On page 107, line 22, strike "(8)" and insert "(7)".

On page 112, strike lines 19 through 22.

On page 112, line 23, strike "(7)" and insert "(6)".

On page 118, strike line 1 and all that follows through line 11 on page 121.

On page 124, after line 20, insert the following:

SEC. 618. MIDDLE EAST PEACE FACILITATION ACT OF 1995.

(a) SHORT TITLE.—This section may be cited as the "Middle East Peace Facilitation Act of 1995".

(b) FINDINGS.—The Congress finds that—

(1) the Palestine Liberation Organization (in this section referred to as the "PLO") has recognized the State of Israel's right to exist in peace and security; accepted United Nations Security Council Resolutions 242 and 338; committed itself to the peace process and peaceful coexistence with Israel, free from violence and all other acts which endanger peace and stability; and assumed responsibility over all PLO elements and personnel in order to assure their compliance, prevent violations, and discipline violators;

(2) Israel has recognized the PLO as the representative of the Palestinian people;

(3) Israel and the PLO signed a Declaration of Principles on Interim Self-Government Arrangements (in this section referred to as the "Declaration of Principles") on September 13, 1993, at the White House;

(4) Israel and the PLO signed an Agreement on the Gaza Strip and the Jericho Area (in this section referred to as the "Gaza-Jericho Agreement") on May 4, 1994, which established a Palestinian Authority for the Gaza and Jericho areas;

(5) Israel and the PLO signed an Agreement on Preparatory Transfer of Powers and Responsibilities (in this section referred to as the "Early Empowerment Agreement") on August 29, 1994, which provided for the transfer to the Palestinian Authority of certain powers and responsibilities in the West Bank outside of the Jericho Area;

(6) under the terms of the Declaration of Principles, the Gaza-Jericho Agreement and the Early Empowerment Agreement, the powers and responsibilities of the Palestinian Authority are to be assumed by an elected Palestinian Council with jurisdiction in the West Bank and Gaza Strip in accordance with the Interim Agreement to be concluded between Israel and the PLO;

(7) permanent status negotiations relating to the West Bank and Gaza Strip are scheduled to begin by May 1996;

(8) the Congress has, since the conclusion of the Declaration of Principles and the PLO's renunciation of terrorism, provided authorities to the President to suspend certain statutory restrictions relating to the PLO, subject to Presidential certifications that the PLO has continued to abide by commitments made in and in connection with or resulting from the good faith implementation of, the Declaration of Principles;

(9) the PLO commitments relevant to Presidential certifications have included commitments to renounce and condemn terrorism, to submit to the Palestinian National Council for formal approval the necessary changes to those articles of the Palestinian Covenant which call for Israel's destruction, and to prevent acts of terrorism and hostilities against Israel; and

(10) the President, in exercising the authorities described in paragraph (8), has certified to the Congress on four occasions that the PLO was abiding by its relevant commitments.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that although the PLO has recently shown improvement in its efforts to fulfill its commitments, the PLO must do far more to demonstrate an irrevocable denunciation of terrorism and ensure a peaceful settlement of the Middle East dispute, and in particular the PLO must—

(1) submit to the Palestine National Council for formal approval the necessary changes to those articles of the Palestinian National Covenant which call for Israel's destruction;

(2) make greater efforts to preempt acts of terror, to discipline violators, and to contribute to stemming the violence that has resulted in the deaths of 123 Israeli citizens since the signing of the Declaration of Principles;

(3) prohibit participation in its activities and in the Palestinian Authority and its successors by any groups or individuals which continue to promote and commit acts of terrorism;

(4) cease all anti-Israel rhetoric, which potentially undermines the peace process;

(5) confiscate all unlicensed weapons and restrict the issuance of licenses to those with legitimate need;

(6) transfer any person, and cooperate in transfer proceedings relating to any person, accused by Israel of acts of terrorism; and

(7) respect civil liberties, human rights and democratic norms.

(d) AUTHORITY TO SUSPEND CERTAIN PROVISIONS.—

(1) IN GENERAL.—Subject to paragraph (2), beginning on the date of enactment of this Act and for 18 months thereafter the President may suspend for a period of not more than 6 months at a time any provision of law specified in paragraph (4). Any such suspension shall cease to be effective after 6 months, or at such earlier date as the President may specify.

(2) CONDITIONS.—

(A) CONSULTATIONS.—Prior to each exercise of the authority provided in paragraph (1) or certification pursuant to paragraph (3), the President shall consult with the relevant congressional committees. The President may not exercise that authority to make such certification until 30 days after a written policy justification is submitted to the relevant congressional committees.

(B) PRESIDENTIAL CERTIFICATION.—The President may exercise the authority provided in paragraph (1) only if the President certifies to the relevant congressional committees each time he exercises such authority that—

(i) it is in the national interest of the United States to exercise such authority;

(ii) the PLO continues to comply with all the commitments described in subparagraph (D); and

(iii) funds provided pursuant to the exercise of this authority and the authorities under section 583(a) of Public Law 103-236 and section 3(a) of Public Law 103-125 have been used for the purposes for which they were intended.

(C) REQUIREMENT FOR CONTINUING PLO COMPLIANCE.—

(i) The President shall ensure that PLO performance is continuously monitored, and if the President at any time determines that the PLO has not continued to comply with all the commitments described in subparagraph (D), he shall so notify the appropriate congressional committees. Any suspension under paragraph (1) of a provision of law specified in paragraph (4) shall cease to be effective.

(ii) Beginning six months after the date of enactment of this Act, if the President on the basis of the continuous monitoring of the PLO's performance determines that the PLO is not complying with the requirements described in paragraph (3), he shall so notify the appropriate congressional committees and no assistance shall be provided pursuant to the exercise by the President of the authority provided by paragraph (1) until such time as the President makes the certification provided for in paragraph (3).

(D) PLO COMMITMENTS DESCRIBED.—The commitments referred to in subparagraphs (B) and (C)(i) are the commitments made by the PLO—

(i) in its letter of September 9, 1993, to the Prime Minister of Israel and in its letter of September 9, 1993, to the Foreign Minister of Norway to—

(I) recognize the right of the State of Israel to exist in peace and security;

(II) accept United Nations Security Council Resolutions 242 and 338;

(III) renounce the use of terrorism and other acts of violence;

(IV) assume responsibility over all PLO elements and personnel in order to assure their compliance, prevent violations, and discipline violators;

(V) call upon the Palestinian people in the West Bank and Gaza Strip to take part in the steps leading to the normalization of life, rejecting violence and terrorism, and contributing to peace and stability; and

(VI) submit to the Palestine National Council for formal approval the necessary changes to the Palestinian National Covenant eliminating calls for Israel's destruction; and

(ii) in, and resulting from, the good faith implementation of the Declaration of Principles, including good faith implementation of subsequent agreements with Israel, with particular attention to the objective of preventing terrorism, as reflected in the provisions of the Gaza-Jericho Agreement concerning—

(I) prevention of acts of terrorism and legal measures against terrorists;

(II) abstention from and prevention of incitement, including hostile propaganda;

(III) operation of armed forces other than the Palestinian Police;

(IV) possession, manufacture, sale, acquisition, or importation of weapons;

(V) employment of police who have been convicted of serious crimes or have been found to be actively involved in terrorist activities subsequent to their employment;

(VI) transfers to Israel of individuals suspected of, charged with, or convicted of an offense that falls within Israeli criminal jurisdiction;

(VII) cooperation with the Government of Israel in criminal matters, including cooperation in the conduct of investigations; and

(VIII) exercise of powers and responsibilities under the agreement with due regard to internationally accepted norms and principles of human rights and the rule of law.

(E) POLICY JUSTIFICATION.—As part of the President's written policy justification to be submitted to the relevant congressional committees pursuant to subparagraph (A), the President shall report on—

(i) the manner in which the PLO has complied with the commitments specified in subparagraph (D), including responses to individual acts of terrorism and violence, actions to discipline perpetrators of terror and violence, and actions to preempt acts of terror and violence;

(ii) the extent to which the PLO has fulfilled the requirements specified in paragraph (3);

(iii) actions that the PLO has taken with regard to the Arab League boycott of Israel;

(iv) the status and activities of the PLO office in the United States; and

(v) the status of United States and international assistance efforts in the areas subject to jurisdiction of the Palestinian Authority or its successors.

(3) REQUIREMENT FOR CONTINUED PROVISION OF ASSISTANCE.—Six months after the date of enactment of this Act, no assistance shall be provided pursuant to the exercise by the President of the authority provided by paragraph (1), unless and until the President determines and so certifies to the Congress that—

(A) if the Palestinian Council has been elected and assumed its responsibilities, the Council has, within a reasonable time, effectively disavowed the articles of the Palestine National Covenant which call for Israel's destruction, unless the necessary changes to the Covenant have already been submitted to the Palestine National Council for formal approval;

(B) the PLO has exercised its authority resolutely to establish the necessary enforcement institution, including laws, police, and a judicial system, for apprehending, prosecuting, convicting, and imprisoning terrorists;

(C) the PLO has limited participation in the Palestinian Authority and its successors to individuals and groups in accordance with the terms that may be agreed with Israel;

(D) the PLO has not provided any financial or material assistance or training to any group, whether or not affiliated with the PLO to carry out actions inconsistent with the Declaration of Principles, particularly acts of terrorism against Israel;

(E) the PLO has cooperated in good faith with Israeli authorities in the preemption of acts of terrorism and in the apprehension and trial of perpetrators of terrorist acts in Israel, territories controlled by Israel, and all areas subject to jurisdiction of the Palestinian Authority and its successors; and

(F) the PLO has exercised its authority resolutely to enact and implement laws requiring the disarming of civilians not specifically licensed to possess or carry weapons.

(4) PROVISIONS THAT MAY BE SUSPENDED.—The provisions that may be suspended under the authority of paragraph (1) are the following:

(A) Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) as it applies with respect to the PLO or entities associated with it.

(B) Section 114 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (22 U.S.C. 287e note) as it applies with respect to the PLO or entities associated with it.

(C) Section 1003 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 5202).

(D) Section 37 of the Bretton Woods Agreement Act (22 U.S.C. 286W) as it applies to the granting to the PLO of observer status or other official status at any meeting sponsored by or associated with International Monetary Fund. As used in this subparagraph, the term "other official status" does not include membership in the International Monetary Fund.

(5) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—As used in this subsection, the term "relevant congressional committees" means—

(A) the Committee on International Relations, the Committee on Banking, Finance and Urban Affairs, and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

Beginning on page 172, strike line 19 and all that follows through line 5 on page 173 and insert the following:

SEC. 1110. PROCEDURES FOR COORDINATION OF GOVERNMENT PERSONNEL AT OVERSEAS POSTS.

(a) AMENDMENT OF THE FOREIGN SERVICE ACT OF 1980.—Section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following:

"(c)(1) In carrying out subsection (b), the head of each department, agency, or other entity of the executive branch of Government shall ensure that, in coordination with the Department of State, the approval of the chief of mission to a foreign country is sought on any proposed change in the size, composition, or mandate of employees of the respective department, agency, or entity (other than employees under the command of a United States area military commander) if the employees are performing duties in that country.

"(2) In seeking the approval of the chief of mission under paragraph (1), the head of a department, agency, or other entity of the executive branch of Government shall comply with the procedures set forth in National Security Decision Directive Number 38, as in effect on June 2, 1982, and the implementing guidelines issued thereunder.

"(d) The Secretary of State, in the sole discretion of the Secretary, may accord diplomatic titles, privileges, and immunities to employees of the executive branch of Government who are performing duties in a foreign country.".

(b) REVIEW OF PROCEDURES FOR COORDINATION.—(1) The President shall conduct a review of the procedures contained in National Security Decision Directive Number 38, as in effect on June 2, 1982, and the practices in implementation of those procedures, to determine whether the procedures and practices have been effective to enhance significantly the coordination among the several departments, agencies, and entities of the executive branch of Government represented in foreign countries.

(2) Not later than 180 days after the date of enactment of this Act, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report containing the findings of the review conducted under paragraph (1), together with any recommendations for legislation as the President may determine to be necessary.

On page 208, strike lines 8 through 11 and insert the following:

SEC. 1327. MIKE MANSFIELD FELLOWSHIPS.

Part C of title II of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6101 et seq.) is amended—

(1) by striking "Director of the United States Information Agency" each place it appears and inserting "Secretary of State"; and

(2) by striking "United States Information Agency" each place it appears and inserting "Department of State".

Beginning on page 216, strike line 4 and all that follows through line 22 on page 217 and insert the following:

SEC. 1501. SENSE OF CONGRESS REGARDING UNITED NATIONS REFORM.

It is the sense of Congress that—

(1) the 50th anniversary of the United Nations provides an important opportunity for a comprehensive review of the strengths and weaknesses of the United Nations and for the identification and implementation of changes in the United Nation that would improve its ability to discharge effectively the objectives of the United Nations set forth in the United Nations Charter;

(2) the structure of the United Nations system, which has evolved over 50 years, should be subject to a comprehensive review in order to identify the changes to the system that will best serve the interests of the United States and of the international community;

(3) the United States, as the strongest member state of the United Nations, should lead this comprehensive review;

(4) reforms that produce a smaller, more focused, more efficient United Nations with clearly defined missions are in the interest of the United States and of the United Nations;

(5) the United States should develop a unified position in support of reforms at the United Nations that are broadly supported by both the legislative branch and the executive branch;

(6) the need for reform of the United Nations is urgent; and

(7) the failure to develop and implement promptly a strategic reorganization of the United Nations will result in a continued diminution of the relevance of the United Nations to United States foreign policy and to international politics generally.

SEC. 1502. UNITED NATIONS REORGANIZATION PLAN.

(a) REQUIREMENT FOR PLAN.—The President shall submit to Congress, together with the

budget submitted pursuant to section 1105 of title 31, United States Code, for fiscal year 1997, a plan recommending a strategic reorganization of the United Nations.

(b) REQUIREMENT RELATING TO DEVELOPMENT.—The President shall develop the plan in consultation with Congress.

(c) PLAN ELEMENTS.—The plan should include the elements described in section 1503 and such other recommendations as may be necessary to achieve the efficient, cost-effective conduct of the responsibilities of the United Nations.

SEC. 1503. CONTENTS OF REORGANIZATION PLAN.

It is the sense of the Congress that the reorganization plan required by section 1502(a) should—

(1) constitute a comprehensive statement of United States policy toward reform of the United Nations;

(2) set forth an agenda to implement the reforms set forth in the plan in a timely manner;

(3) include specific proposals to achieve—

(A) a substantial reduction in the number of agencies within the United Nations system, including proposals to consolidate, abolish, or restructure mechanisms for financing agencies of the United Nations that have a low priority;

(B) the identification and strengthening of the core agencies of the United Nations system that most directly serve the objectives of the United Nations set forth in the United Nations Charter;

(C) the increased cooperation, and the elimination of duplication, among United Nations agencies and programs consistent with the principle of a unitary United Nations;

(D) the consolidation of the United Nations technical cooperation activities between the United Nations Headquarters and the offices of the United Nations in Geneva, Switzerland, including the merger of the technical cooperation functions of the United Nations Development Program (UNDP), the United Nations Population Fund (UNPF), the United Nations Environmental Program (UNEP), the United Nations Industrial Development Organization (UNIDO), the International Fund for Agricultural Development (IFAD), the United Nations Capital Development Fund (UNCDF), and the United Nations Development Fund for Women (UNIFEM);

(E) the consolidation of the United Nations emergency response mechanism by merging the emergency functions of relevant United Nations agencies, including the United Nations Children's Fund, the World Food Program, and the Office of the United Nations High Commissioner for Refugees;

(F) a substantial reduction in, or elimination of, the cost and number of international conferences sponsored by the United Nations;

(G) a significant strengthening of the administrative and management capabilities of the Secretary General of the United Nations, including a cessation of the practice of reserving top Secretariat posts for citizens of particular countries;

(H) a significant increase in the openness to the public of the budget decision-making procedures of the United Nations; and

(I) the establishment of a truly independent inspector general at the United Nations;

(4) include proposals to coordinate and implement proposals for reform of the United Nations such as those proposals set forth in the communique of the 21st annual summit of the Heads of State and Government of the seven major industrialized nations and the President of the European Commission at Halifax, Nova Scotia, dated June 15–17, 1995; and

(4) include proposals for amendments to the United Nations Charter that would promote the efficiency, focus, and cost-effectiveness of the United Nations and the ability of the United Nations to achieve the objectives of the United Nations set forth in the United Nations Charter.

On page 218, line 15, "$30,000,000,000" and insert "$3,000,000,000".

On page 251, below line 22, add the following:

(g) ADDITIONAL REQUIREMENTS FOR BUDGET PURPOSES.—(1) In addition to any other payments which an agency referred to in subsection (b) is required to make under section 4(a)(1) of the Federal Workforce Restructuring Act of 1994 (Public Law 103–226; 108 Stat. 114; 5 U.S.C. 8331 note), each such agency shall remit to the Office of Personnel Management for deposit in the Treasury to the credit of the Civil Service Retirement and Disability Fund an amount equal to 9 percent of final basic pay of each employee of the agency—

(A) who, on or after the date of the enactment of this Act, retires under section 8336(d)(2) of title 5, United States Code; and

(B) to whom a voluntary separation incentive payment is paid under this section by such agency based on that retirement.

(2) In addition to any other payments which an agency referred to in subsection (b) is required to make under section 4(b)(1) of such Act in fiscal years 1996, 1997, and 1998, each such agency shall remit to the Office of Personnel Management for deposit in the Treasury to the credit of the Civil Service Retirement and Disability Fund an amount equal to 0.5 percent of the basic pay of each employee of the agency who, as of March 31 of such fiscal year, is subject to subchapter III of chapter 83 or chapter 84 of title 5, United States Code.

(3) Notwithstanding any other provision of this section, the head of an agency referred to in subsection (b) may not pay voluntary separation incentive payments under this section unless sufficient funds are available in the Foreign Affairs Reorganization Transition Fund to cover the cost of such payments and the amount of the remittances required of the agency under paragraphs (1) and (2).

Mr. HELMS. Mr. President, I want to make the record clear. The Jordan drawdown was not eliminated even temporarily at my request, but in order to facilitate the approval of the rest of the amendment 1914. So the RECORD will show that—I having said that.

I urge the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment as modified?

Mr. KERRY. Mr. President, it is my understanding we are going to try to work out the differences that still exist on section 619, and at some later date we may pull it up.

We are in agreement with respect to the rest of the amendment.

Mr. HELMS. Mr. President, I have a committee amendment at the desk referred to as the "manager's amendment." I understand there are no objections to this amendment and that the modifications are acceptable to the ranking member of the committee, Senator PELL. This amendment has several parts and is designed to address three issues:

First, reservations and jurisdictional concerns expressed by other Senate committees, chairmen, and ranking members;

Second, provisions objectionable to the Administration; and

Third, technical and conforming amendments to the bill, many of which were "unofficially" requested by this administration.

The amendment includes: The Middle East Peace Facilitation Act extension, a repeal of the two prison labor provisions in the bill that will satisfy Finance Committee concerns, two changes that will satisfy the budget scorekeepers on the Budget Committee, and a few other small provisions.

I urge the amendment be adopted since there are no known objections to this amendment. I hope there will be additional amendments in agreement as we proceed on debate of the measure.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1914), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1977

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent to temporarily set aside the two amendments and to call up the amendment that I have at the desk.

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

Mr. KENNEDY. Mr. President, I listened to our colleagues who are dealing with the measure that is at hand, and I certainly hope we will have an opportunity to dispose of those amendments in a timely fashion. I also expect to at least have an opportunity to see a disposition of the amendment which I am offering this evening on this particular piece of legislation.

I am aware, very much, that I have offered an amendment in the first-degree and it can be seconded. I am also aware, as my colleague from North Carolina was pointing out, that we are very hopeful of being able to avoid parliamentary gymnastics and to be able to get a vote on different measures that come before the Senate. I expect he will have an opportunity to get a vote on his amendment and I certainly hope to have an opportunity to have a vote on mine as well.

Mr. President, the amendment I am offering is a sense-of-the-Senate resolution that calls for us to debate and

vote on raising the minimum wage sometime before the end of this session of Congress.

It does not endorse any particular outcome. It does not say that we should pass S. 413, the bill Senator DASCHLE introduced in behalf of the President, or vote to raise the minimum wage to $5.15 an hour, though I strongly believe that we should. Rather, the amendment says only that the Senate should take up the issue, that we should debate it, and vote one way or the other rather than sweeping this issue under the rug and ignoring the 12 million American workers who would get a raise if the President's bill were enacted.

The appropriate level for the minimum wage is a critical issue both for the millions of low-wage workers who are directly affected by it and for the economy as a whole. Income inequality is a growing problem in the United States, and the declining purchasing power of the minimum wage is an important factor in this problem.

Mr. President, I will review for the Senate some of the most recent information that has been developed and reported in our national news magazines, as well as some of the historic trends that justify action by this particular amendment, which effectively will do for the Senate what was done earlier this year on the issue involving the gifts measure before the Senate where our colleagues got a sense-of-the-Senate resolution that we were going to vote on the gifts issue and on the lobbying legislation.

Really as a result of a good deal of focus and attention by Members who are interested in these issues, these measures were brought up and in a remarkable sense of comity were worked out and action was taken which I think all of us think was very, very important. And we are very hopeful—I and the others who will be supporting this measure—that we will have an opportunity to do what we did some years ago in 1989–1990 when we had a Republican President and two Democratic Congresses and, initially, reservations by the Republican President. We worked on this measure. We saw the coming together of a Democratic Congress and a Republican President. That was signed into law, and was the last increase in the minimum wage, which took effect in 1991.

Now, with a Republican Senate, a Republican House and a Democratic President, we are very hopeful that we will be able to take action that will result in making this minimum wage really an American wage, a family wage, a living wage.

That is why I am hopeful that this resolution, which says that we will address this issue prior to the end of the Congress without making a definition as to what that particular amount would be, nonetheless would reflect the sense of this body, Republican and Democrat alike, because Republicans have historically worked with us to get an increase in the minimum wage.

Historically, increases in the minimum wage were signed by Republican Presidents and were sometimes supported by the Republican leadership—and we would certainly hope on an issue of fundamental fairness, fundamental justice, that we could develop that kind of comity on this resolution and then ultimately on the matter that comes before us.

Mr. President, the reason for offering this measure now is because of the scheduling reality. We will be in session two more weeks prior to the August recess. We will be back. The leader has announced that we will be addressing the welfare issue in the latter part of this week. We have a defense authorization, a defense appropriations bill, and there would not be the opportunity to have a debate and discussion on this measure, although I think it is an issue that has been addressed time and time again by the membership. It is not one that the Members are unfamiliar with. But, nonetheless, I think it is important to take just a brief period of time, whatever time the membership wants, so that we can address this issue and give an opportunity for the Members to go on record about whether we as an institution, as a Congress, should go back and address this issue as we have done on seven other occasions when we have seen an increase in the minimum wage, which is the wage for working families that work 40 hours a week, 52 weeks of the year, and try to provide food for their families, a roof for their children, to pay the mortgage, and to have some sense of hope and optimism for the future.

Mr. President, this chart reflects what happened to the incomes of families in this country from 1950 to 1978. I know that there will be those who will say, "Well, there were variations for this period of time." We may have the opportunity to come back and address that issue. We will address any of the other issues that are brought up in the course of this debate. But this is a pretty good summation, even with the rise and the fall of various recessions. And I will have other charts that will show in more careful, actual detail what happened during this period of time with the setbacks and the advances in terms of real family income.

But when you come right down to it, for close to a 30-year period—and we segment each of the incomes for the different parts of our society, dividing them into five different segments—what this chart reflects very clearly is that real family income by quintile, which is the five different segments, all went up together. The ones on the bottom, 20 percent of the family income, rose the most, rose 138 percent. Those in the second lowest went up 98 percent; the middle, some 106 percent; the fourth, 111 percent; and the top 20 percent went up to close to 100 percent.

This chart says that we developed in this country, and the American economy responded, in such a way that the income for families during this period of time, which included the increases in the minimum wage as well as other economic factors, all went along and grew together. We all made progress together, and we did it in ways that were pretty equitable in terms of the distribution of where our families were.

This, I think, is the real indication of where the country was moving as an economy. It included other forces beyond the minimum wage. But as my next chart will show, the minimum wage kept pace during this period of time to be a livable wage. It has only been in the last 10 to 12 years where there has been a serious decline in the purchasing power of the minimum wage.

Over here, we go now from 1978—this chart over here, 1979 to 1993—and it is effectively the same chart, divided again by quintile, and this chart reflects what has been happening from effectively 1979 to 1993, real family income growth by quintile.

Here we see the bottom 20 percent, those at the lower level of the economic ladder, they are not increasing. There are no blue marks here. It is increasing red marks. Their purchasing power has declined by some 17 percent during the period where there has been some very important real growth. The next 20 percent has declined by 8 percent, the middle some 3 percent, the fourth quarter has gone up 5 percent, and the largest increase has been with the wealthiest individuals.

This is a profile about what is happening in our country over a period of time in terms of real economic growth per family income.

Mr. President, it is a reminder about where we are and where we have been and where we are going.

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY) proposes an amendment numbered 1977.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. .

It is the sense of the Senate that:

(1) the current economic recovery has generated record profits for industry, but hourly wages have grown at a below average rate;

(2) the minimum wage has not been raised since April 1, 1991, and has lost more than 10% of its purchasing power since then;

(3) the average minumum wage worker provides 50% of her family's weekly earnings;

(4) nearly two-thirds of minimum wage workers are adults, and 60% are women;

(5) a full-time, year-round worker who is paid the minumum wage earns $8,500 a year, less than a poverty level income for a family of two;

(6) there are 4.7 million Americans who usually work full-time but who are, nevertheless, in poverty, and 4.2 million families live in poverty despite having one or more members in the labor force for at least half the year;

(7) the 30% decline in the value of the minimum wage since 1979 has contributed to Americans' growing income inequality and to the fact that 97% of the growth in household income has accrued to the wealthiest 20%;

(8) legislation to raise the minumum wage to $5.15 an hour was introduced on February 14, 1995, but has not been debated by the Senate; and

(9) the Senate should debate and vote on whether to raise the minumum wage before the end of the first session of the 104th Congress.

Mr. KENNEDY. Mr. President, as I indicated on the previous chart, we saw what was happening for the 30 years between 1950 and effectively 1980, and then in the last 13 years, about how we as a country in terms of our economy are effectively growing apart. Now we see the minimum wage no longer lifts families out of poverty.

Take that, and you go right back to 1960 and see what has happened now from the 1980's, which is effectively this chart over here, what has been going on up to 1995. This is effectively the red line, the minimum wage line, and the darker line is the poverty line that goes right across here on constant dollars.

Here you find that during the period of the 1960's, the 1970's, the minimum wage was just above what the poverty wage was; that is, it was a livable wage. One family could receive the minimum wage and also have a sense of respect and dignity and know that they could effectively make it in America without being in poverty, and without being, as I will mention, a recipient of many of what we call the support systems, the safety net programs. That is an interesting sidebar to this whole issue and I will come back to that in just a minute.

Then we saw how the minimum wage effectively stayed even in the 1970's and 1980's and then gradually declined and continued to decline all the way to 1990. And this blip here was the increase in the minimum wage when President Bush in a bipartisan effort signed the minimum wage. And now we have sunk right back to where we were in 1990.

We have to ask ourselves, what is it about these working families, 12 million of whom would be affected by the increase in the minimum wage that had been supported by the President and introduced in legislation by Senator DASCHLE? What is it we are saying to them? We are saying that we effectively do not value their work; we do not respect the fact that you are prepared to go out and work 40 hours a week to try to raise your children, to try to have a sense of dignity at the time we have been seeing the expansion and the explosion in terms of the profit in our economy.

Mr. President, I have in my hand Business Week of July 10. This is not the product of someone who has been a long-time fighter for the working poor, although I take great pride in the fact that I have been for the increased minimum wage. This is Business Week magazine. This parallels two other studies, which I will refer to. This is Business Week. I will include the relevant parts in the RECORD.

This is what the cover story of Business Week, July 17, points out: "Productivity and profits are up a lot. Paychecks aren't. Is the economy changing?"

It goes on:

Four years into a recovery, companies are flourishing and joblessness is low, yet pay is inching up more slowly than the prior four recoveries.

Then it continues:

Four years into a recovery, profits are at a 45-year high

A 45-year high in terms of profits for American companies and corporations, 45-year high.

Unemployment remains relatively low, and the weak dollar has put foreign rivals on the defensive.

The fact is since this President has been elected, there has been a creation of some 8 million jobs in the period of the last 2 to 3 years, but those have not been the high-paying, good-wage, good-benefit jobs that I think most of us have associated with employment in terms of the strongest industrial country and strongest economy in the world.

This is how Business Week continues in its article:

Yet U.S. companies continue to drive down costs as if the economy still were in a tailspin. Many are tearing up pay systems and job structures, replacing them with new ones that slice wage rates, slice raises and subcontract work to lower-paying suppliers. The result seems to defy the law of supply and demand. While companies prosper, inflation-adjusted wages and benefits are climbing at less than half the pace of the previous expansion.

Then it continues:

Today even the incomes of many white collar employees are sliding and labor's share has slumped to levels last seen 30 years ago despite substantial productivity growth. These trends have been dragging down the economy through the recovery.

Then it continues:

But how long must we wait for productivity gains to boost living standards?

What we are talking about here are living standards. We are talking about families being able to educate their children. We are talking about families being able to try to meet some of the needs of their parents, who are going to feel the pressures in terms of the Medicare cuts. We are talking about families being able to afford the mortgage and to be able to enjoy their own future with some degree of security. Now, this is what is happening.

But how long must we wait for productivity gains to boost living standards? At this point in previous business cycles gains from increased efficiencies would already have started to wind their way through the economy. But after closely tracking each other for decades, wage gains are now lagging behind productivity growth.

We might have to talk about that in the Chamber, but all you have to do is ask any working family what has been happening to their real income over the period of the last 15 years. Dramatic change, and it has been a downward one.

The combination of subpar pay gains and fewer wage earners has already bitten deeply into pocketbooks. Per capita disposable personal income has crawled along at 1.5 percent a year over inflation in this recovery, half the average of prior ones.

What this article is pointing out is generally we have had recessions in other periods of time in the last 40 or 50 years, but what is happening now is even though there is the creation of additional jobs, the income is not there for those new workers. And one of the principal reasons for the fact it is not there is because we have not met our responsibilities of trying to make sure that work pays in our country, that men and women who are prepared to work, will work, are able to receive that livable wage.

"Sooner or later," the article continues, "the promise of this economic strategy has to be fulfilled for the majority of Americans. The sight of bulging corporate coffers coexisting with continuous stagnation in American's living standards could become politically untenable."

Mr. President, as we have seen in other parts of the magazine, we can say, well, what is happening to the stock market? That has been going up. But we know who participates in the stock markets—certainly not those who for the most part are in middle incomes. Once again, here it is going up through the roof. So corporate profits and CEO salaries have been going up through the roof, the stock markets are going up through the roof, and the minimum wage has been in a continuing and constant decline.

Mr. President, all we are saying is that we are entitled to try to bring that minimum wage back on up to make sure that American families who want to work and can work are going to be able to provide for themselves.

Mr. President, I will take just a moment or two of the Senate's time to review with the Senate an historical analysis of what has happened when we have had an increase in the minimum

wage, because we are going to hear a lot of voices out here about we cannot afford an increase in the minimum wage because it is going to cost jobs; we cannot afford to raise the minimum wage because there is going to be inflation.

Well, the fact is that is great rhetoric. I took the time, after the last debate we had in the late 1980's, and just reread the debate during the 1930's, 1940's, 1950's, and 1960's, and you could just substitute the names because the speeches were virtually identical, with everyone saying we just cannot afford to do it; we are just beginning to make the economy go and here you are going to go out there and try to undermine our economy with an increase in the minimum wage. They said it last time. We increased it in 1990, and we have seen since 1992 the growth of 8 million jobs.

Mr. President, I will take just a few more moments. I see my colleagues waiting. I would just like to point out what has happened historically with the minimum wage because we will have study after study after study after study out here. And I will include some of the most recent studies that I think have been so compelling. There will be others who will try to flyspeck those studies, the study particularly with regard to New Jersey, which is a very interesting and a very positive one. But the one thing you have to recognize is the historical analysis of the increase in the minimum wage. This is history. This is what has happened. This is not some study by one of these organizations for the various industries that have been historically opposed to any increase in the minimum wage. This is the historical analysis of what has happened to our economy on the issue of employment when we have seen the increase in the minimum wage. This is what we have seen. It goes back to 1949 when the minimum wage rose from 40 cents to 75 cents; unemployment decreased.

In 1955, unemployment decreased from 4.4 to 4.1 percent.

From 1961 to 1963, from $1 to $1.25; unemployment decreased from 6.7 to 5.5 percent.

From 1967 to 1968, $1.25 to $1.60; unemployment decreased from 3.8 percent to 3.5 percent.

During the seventies, 1974 to 1976, 655,000 new jobs, despite the recession; retail employment increased 5.2 percent. They are the principal ones opposed to any kind of increases.

From 1978 to 1981, employment increased by 8 million jobs, including 1.4 million retail jobs. You go from $2.30 to $3.35 in 1990, $3.35 to $4.25, despite the severe recession from 1988 to 1992.

We had it up in my part of the country, New England. With 4 percent of the Nation's population, we lost 20 percent of the Nation's jobs; 20 percent of the Nation's jobs we lost. We are beginning to come back. The tragedy is, those are not nearly as good jobs as they should be. But despite the severe recessions that we had, we have seen the dramatic growth of these jobs.

Mr. President, this is the record. Not only on the question of the minimum wage and what has happened to employment, but also with respect to inflation—these are the two arguments that they use.

We will hear later on how it is going to be harmful to black teenagers. We are about a couple hours away until somebody brings that argument out. These are the standard arguments.

I see my two colleagues. Go back and read the history on these things. You see the same old arguments that come up.

What has happened on the question of inflation is that we have seen, with the increase of 1949, an increase of 1 percent; in the sixties, less than .3 of 1 percent; stability here; from 1974 to 1976 inflation actually decreased; then it increased marginally and then decreased; and then from 1990 to 1991, it decreased from 5.4 to 4.2 percent.

So, Mr. President, I know that there are those who are going to come out here and argue with the Business Week analysis in terms of what has been happening in America: Companies and corporations where the profits are going up, the stock market is going up, their productivity increasing. The one thing they ought to recognize, which in Business Week is clear as can be, and is something every worker understands, is that real purchasing power for workers is going down.

I hope that our colleagues will not use those worn-out old arguments about the problems that we are facing in inflation and the problems that we are going to be facing in terms of unemployment, because the record, which is the most important record—and that is the historic record—just does not justify it. We have demonstrated and seen this, Mr. President, and we believe that now is the time to make sure that men and women who are out there working, and working hard, trying to make ends meet, trying to bring up a family are going to be able to experience some hope and opportunity.

Finally, Mr. President, one point that I want to mention on this chart for all of our Members—and we do not come to this consideration very frequently—if you start paying the American people a livable wage, do you know what happens? They lose their eligibility for support systems. Do you know what that means? That means the general taxpayer pays less, that they do not have to support the various support programs, which are the WIC Program, Aid to Families with Dependent Children, fuel oil programs, other kinds of support programs. You pay the American workers, who are working and trying to pay for their own living, and they lose their eligibility for those support programs and that saves billions of dollars—billions of dollars.

Who pays for those billions of dollars? It is the workers. This makes sense if you are for deficit reduction, if you want to lower the tax program on workers because if they pay the minimum wage, they lose their eligibility and you begin to save the billions of dollars.

This makes sense. It makes sense as a matter of decency and fairness, as part of our commitment that has been there for some 50 years, where we are going to honor work and say to men and women who want to work, can work, and will work that they ought to have an American wage that says that they can provide for their family and for their future, that they are going to be able to educate their children.

That has been true all the way through the forties, fifties, sixties, all the way through the seventies, and it has only been in the recent years that we have seen this abdication of responsibility to working families.

Right in the face of this, Mr. President, are the various reports—I have colleagues on the floor now—but I will review the Bureau of Labor Statistics report from just last week, and another very, very important study that reaches this very same conclusion.

These workers are entitled to be a part of the American system. They have been left out and left behind. We have to ask ourselves who will speak for them. At other times, we have come together, Democrats and Republicans alike, in order to make sure that those families that want to work can work, are proud to work, are playing by the rules, trying to bring up their children, are going to be able to live in some dignity. That is what the increase in the minimum wage is about.

We invite our colleagues to support this sense-of-the-Senate resolution so that families will know that we are serious in making sure that for working families, work pays in America and that we honor work.

Mr. President, I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Illinois.

Mr. SIMON. Mr. President, if I may follow immediately on what Senator KENNEDY just talked about, this Friday we are going to be taking up welfare reform. Ninety-five percent of what we hear about as welfare reform is not welfare reform. It is just moving the boxes around, shifting responsibility to States and doing some things like that. Real welfare reform has to deal with the problem of jobs and the problem of poverty, and this is an issue that deals with the problem of poverty.

Why do we have this distribution problem in our society today? I think there are three basic reasons. One is people are not as well prepared as they

should be. As Secretary of Labor Bob Reich says over and over—and he is right on this—if you are well prepared, technology is your friend; if you are not well prepared, technology is your enemy.

A second reason we do not have the distribution factor that we should have in our society today is that labor union membership is dramatically lower in our country than any other Western industrialized democracy. George Shultz, former Secretary of State and former Secretary of Labor under Republican administrations, made a speech in which he said all of us, management and labor and everybody, ought to be concerned about the low percentage of workers belonging to labor unions. It is not a healthy thing for our society. If you exclude the governmental unions, it is down to 11.8 percent. That is a factor.

But a third factor in the distribution matter is the minimum wage. We simply have not kept up with the inflation factor, and it is a problem.

In addition to the factors that Senator KENNEDY mentioned, where we save money in terms of AFDC and that sort of thing, the earned income tax credit, we have 11 million Americans who will benefit from increasing the minimum wage 45 cents a year for 2 years, a total of 90 cents, and many of them will not get as much money on the earned income tax credit. So there will be a dollar savings, in very real terms, for the Federal Government.

Mr. KENNEDY. Will the Senator yield on that?

Mr. SIMON. I am pleased to yield to my colleague.

Mr. KENNEDY. I see my friend from Minnesota here, as well. Does the Senator understand what it is about the institution, the Congress, that says that we are going to refuse to have any increase in the minimum wage or even to consider it, and we are cutting back on the earned-income tax credit that benefits only the individual workers that make some $26,000 a year or less?

What is it about this institution that says that workers who are making less than $26,000, including the earned-income tax credit, ought to have their taxes increased, and yet we refuse to grant an increase in the minimum wage when we have a historic low, and at the same time we are talking about tax cuts for the wealthiest individuals, who are at the top levels of our economy, who are right up here and giving them, for the most part, a $245 billion tax reduction? Does the Senator find some difficulty in understanding why that series of policy decisions would make sense for working families in this country?

Mr. SIMON. Well, in response to that question, which is an extremely important question for the American people, obviously it does not make sense. It is a response that grows out of something—and I know the Senator from Massachusetts feels very strong about this—it grows out of something that we ought to deal with, but we duck in Congress—that is, our system of financing campaigns. I join the Senator from Minnesota, and I applaud him for his leadership on what we did on gifts and limiting on the lobbyists. But, frankly, that is 1 percent of the reform we need. Ninety-nine percent of the reform is on our system of financing campaigns.

If you have 20 individuals who are very wealthy in this country, who wanted some modest change in the law, who sent a $1,000 campaign contribution to every Member of the U.S. Senate, I have an idea—unless it was an egregious request—that request would receive very sympathetic attention. We have 11 million people who will benefit by an increase in the minimum wage, who, because of their situation, cannot give a campaign contribution to anyone, and we are reluctant to respond. I hope we will.

Let me just add for the benefit of the Presiding Officer—and I see my friend from Kansas on the floor here, too—the last time we increased the minimum wage, it passed 89–8 in the Senate, with 36 Republicans voting for it. This should not be a partisan thing. We ought to improve the lot of people who are really struggling. Are we going to be sensitive to that? I think that is the fundamental question. Are we going to be sensitive to people who really are struggling in our society? I hope we come up with the right answer.

I am pleased to have the Senator from Massachusetts offering this amendment, and what he is really calling on us to do is prod our consciences a little bit, do what we ought to do for the people in Pennsylvania, Illinois, Kansas, Massachusetts, and Minnesota, who are just eking out an existence, who do not know how they are going to make the next rental payment, or how they are going to feed their family, until they get paid on Friday. These are people we have to be concerned about. They do not make big campaign contributions to us. But that is what we ought to be here for. Those are the people we ought to be here for.

Mr. President, I yield the floor.

Mr. WELLSTONE. Mr. President, I thank my colleague from Illinois for his remarks. I have said it to him many times, I am going to really miss him. I think he has been a real conscience of the Senate, and I think people admire the Senator from Illinois not only because of his integrity but because of the way he treats each and every Senator with real respect and sensitivity. He cares a lot about people, and that is what this debate is really about. I thank the Senator from Massachusetts.

I ask unanimous consent that I be included as an original cosponsor of this amendment.

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

Mr. WELLSTONE. Mr. President, as I understand this amendment, it simply urges the Senate, asks the Senate to take the position that we will indeed take up and debate legislation to raise the Federal minimum wage, at least by the end of the Congress. Am I correct, I ask the Senator from Massachusetts? Is that essentially it?

Mr. KENNEDY. The Senator is correct.

Mr. WELLSTONE. Well, Mr. President, it seems to me that this is a most reasonable and important amendment. Despite the increases that went into effect in 1990 and 1991, the current minimum wage is not a working wage. It is still a poverty wage. At $4.25 an hour, a person working 40 hours a week at the minimum wage earns just $170 a week. That is before taxes and Social Security are deducted.

Mr. President, in Minnesota when you talk to people in cafes, I think really probably more than any other single issue, or set of issues, the focus is on what I would call basic economic justice questions. People really feel the squeeze that the Senator from Massachusetts has talked about. And really since the decade of the seventies, the bottom 70 percent has lost ground. When you talk to people and you ask people what are the issues you care most about, what people say over and over again is, "I care about being able to have a decent job that I can support myself and my family on." Mr. President, that is what we are talking about. Right now, at $4.25 an hour, you can work 40 hours a week, 52 weeks a year, and you still are not even up to the poverty level.

So there are many, many people—we are talking about 11 million people-plus who would benefit from this. I think it is a fundamental economic justice issue.

Mr. President, one popular misconception—and the Senator from Massachusetts may have covered this earlier, but I want to in my brief time—and I will only speak for about 5 minutes, I say to my colleague from Kansas—a popular misconception is that the minimum wage is basically paid to teenagers who flip burgers in their spare time. But less than one in three minimum wage workers are teenagers. In fact, nearly 50 percent of those who receive minimum wage are adults that are 25 years of age or older.

It is simply impossible to support yourself or to support your family. The minimum wage is not a working wage. We had a bipartisan consensus, at least up until recent history, that we would make a minimum wage a working wage. But when you look at this, if there ever was some action that we should take as a Senate in this Congress, it would be action to raise this minimum wage so that people can

make a decent living, so that people could support themselves, so that people can support their families.

Mr. President, if the truism—and I know the chair has been involved in welfare reform—is that the best welfare program is a job, and what we want to do is move from welfare to workfare, I would argue that the best welfare reform is a job that pays a living wage. That means a minimum wage that can lift families out of poverty and thereby make a huge difference.

Right now, if we are going to go to welfare reform—because I think it could be reformatory if we stay on the present course, just punishing children and single parents, mainly women. But if we are going to move toward real welfare reform, the problem we all have—and we all know about this—is all too often by the time a mother—because it is usually the mother, and I wish more fathers would accept responsibility for taking care of children when marriages do not work out well.

All too often what happens for that welfare mother is that by the time she takes a job, and now has to pay for child care—and, like any parent, she wants this not to be custodial but good child-developmental child care—by the time she loses Medicaid assistance and has a job that does not pay but $4.25 an hour or $5 an hour, she is worse off.

The Washington Post had a really splendid series of articles about this very problem.

It seems to me on matters of basic economic justice, on what it is that people care the most about, the Senator from Massachusetts is absolutely on the mark. We ought to make a commitment. I think that is all he is asking for Members to do. As I understand the amendment, we do not even have a specific wage. It is not a specific proposal, but an amendment that says that this Senate goes on record, making a commitment that by the end of this Congress, we will at least take up and debate a minimum wage bill.

I ask the Senator, is that correct?

Mr. KENNEDY. The Senator is correct.

If the Senator would yield for a moment, I listened with interest to his statistics. He is providing a real service to the Senate in outlining the actual income and age of minimum wage earners in 1993.

I am wondering if the Senator's figures are basically in agreement with this chart, the source of which is the Economic Policy Institute, that says 57.6 percent of the minimum wage earners in 1993 were below-average-income adults; then there is below-average-income teens, effectively 14 percent; above average income, 11 percent for teens; 17 percent for above-average-income adults.

The idea, as I understood the Senator, was that this increase really reaches the working families who are trying to make ends meet and the ones that are prepared to work the long and hard hours. If it does reach some teenagers, it is basically reaching teenagers who are from families with family incomes which are lower than the poverty line as well. Actually, it is a pretty targeted program.

I think the Senator might agree with me that the minimum wage has a greater elevating effect on the incomes with single individuals or married couples, but the earned income tax credit has the greatest impact on families with a number of children.

I ask the Senator, as a professor of economics, whether he would agree that, therefore, doing something about both is really reaching, in many respects, our fellow Americans who are trying to make ends meet—some with larger families, some of them either individuals or just a couple maybe with one child, I think that is the breaking point—but are trying to make ends meet and they are at the lower rung of the economic ladder and have been ones that have seen their real income decline most dramatically in recent times.

Mr. WELLSTONE. Mr. President, I will respond to the Senator and then yield the floor to my colleague from Kansas who is anxious to speak.

I respond to the Senator from Massachusetts in two different ways. First of all, I say to my colleague, as a strategy of welfare reform or as a targeted strategy to reduce poverty and have more economic opportunity, and for that matter, as a targeted strategy to move toward a middle class or as a targeted strategy to reduce violence, I do not think there is any question that it is the key. That is what we have to focus on.

I say to my colleague, my understanding is that, roughly speaking, in poll after poll, 70 to 75 percent of the population agree. When we have a broad consensus in our country that we ought to raise the minimum wage, we ought to make it a working wage, it is all a part of economic opportunity, it is extremely important to this country, then it seems to me the Senator from Massachusetts does everyone a real service by saying, "Let's go on record making it clear that indeed we will address this problem. We will have some positive legislative initiatives in this area."

Again, I am proud to be an original cosponsor. I hope that this amendment receives widespread support. It should. I yield the floor.

Mr. HATFIELD. Mr. President, I agree that Congress should increase the minimum wage standard. I have voted for minimum wage increases in the past and I will vote for reasonable minimum wage increases in the future.

The minimum wage, established in 1938 by the Fair Labor Standards Act, has been raised 17 times. From 1938 to 1974, the wage was raised from 25 cents to $2 per hour. The last two increases took place in 1990 when the wage level was set at $3.80 and then again in 1991 when it was raised to its current level. I voted both for final passage and the conference report of the wage increases of 1990 and 1991. If the minimum wage had kept pace with the Consumer Price Index, the current level would be $6.85 today.

I want to work in a bipartisan fashion with the distinguished Senator from Massachusetts in passing the minimum wage, but I feel the schedule of the Senate is best left in the care of the majority leader in his preparation of the schedule of the Senate.

Ms. MIKULSKI. Mr. President, I rise today to support the amendment offered by the Senator from Massachusetts, and to support efforts to raise the minimum wage.

In recent weeks I have read articles and newspaper editorials concerned about wage stagnation. While profits are up, wages are down. Raising the minimum wage represents the least this Congress can do. Our failure to act to raise the minimum wage will only add to the problem of stagnant wages. No excuse about not being able to fit this issue in our agenda will satisfy workers who are just looking for a break.

The bill that is being proposed will raise the minimum wage from its current rate of $4.25 per hour to $4.75 next year and $5.15 per hour in the second year. If we fail to raise the minimum wage beyond the current $4.25 an hour, the buying power of workers earning the minimum will be at its lowest level since 1955—1955. How many people here would be satisfied with 1955 wages?

There are those who will argue that the minimum wage doesn't really help families or adult workers, but that is not what the facts tell us. The facts are that over 60 percent of workers receiving the minimum wage are adults. And over one-third of minimum wage earners are the only wage earners in their families.

Mr. President, far too many workers are losing ground. Far too many people are working longer and working harder, but their checks are getting smaller. Far too many of our actions this year have ignored the average wage earner. How can we justify keeping the minimum wage at $4.25 an hour in the same year we decide to cut the earned income tax credit? If Congress opposes an increase in the minimum wage and votes to cut this tax credit how can we expect people to get ahead? How can we expect some of these struggling families to stay off the very public assistance programs, which ironically, some Members are trying to cut or eliminate?

It is time we returned to the bipartisan support this issue once had. It is time we returned to the spirit of 1989

when only eight Members of the Senate voted against increasing the minimum wage. Let's make a commitment to working men and women all across the country and tell them that hard work will be rewarded and that they can get ahead. Making $5.15 an hour won't make anyone rich, but it may give some people a fair shake.

Mr. KERRY. The Senator from Kansas has been waiting. And I just need 60 seconds. I want to thank my colleague from Massachusetts for once again raising for the Senate an important issue.

I simply underscore—I think I am correct, and the Senator may be able to confirm this—in the 1960's and 1970's, the minimum wage permitted people in this country to be able to earn just at poverty level; but because of the diminishment of earnings in the United States over the course of the last 13 years particularly, minimum wage now produces only 70 percent of the poverty level in income.

So the country traditionally has paid a minimum wage that at least promised to keep people at poverty level. Today, it is at 70 percent of poverty level, at a time when we all know it is an awful lot harder without the sufficient skills to be able to break out.

Not only do we have the same kinds of antipoverty or rising tide jobs that lift you, you have a much greater difficulty, but you are much lower in the purchasing power that you have from whatever the minimum wage gives you.

I think it underscores the purpose.

Mr. KENNEDY. If I could take a moment of time, the Senator is quite correct.

I want to just point out what we have not gotten into in the debate, and that is what is happening to the chief executives of major corporations.

More than 500 were paid over $1 million, according to a Business Week survey of 742 companies. Chief executives have been getting substantial pay in recent years. Mr. President, in 1994 executive salaries increased 10 percent, while workers' wages rose 2.6 percent.

In many cases, the total pay went down because they did not cash in their stock options since the stock market was not at its peak. The $2.9 million average pay of 1994 was 54 percent higher than the $1.9 million average they received 5 years ago. The executives' pay has been skyrocketing, yet the workers' pay is down.

I am not interested, in this debate, to try and take away from those that are trying to expand and make a great success in terms of companies or corporations, but it seems to me to be relevant, in terms of a society, about people working. Those in the white collar are working hard but the blue collar are working hard, too, and they are the ones that are left out and left behind.

We are not making this point just with regard to blue-collar workers. The same thing has happened to the white collar. That is quite a different story. It is worth considering in the total context of debate.

Mr. KERRY. I thank the Senator from Kansas for her forbearance.

Mrs. KASSEBAUM. Mr. President, I rise not to debate the pros and cons about whether we should increase the minimum wage. The bill currently before the Senate is the State Department reorganization bill of 1995, a very important piece of legislation.

The amendment offered by the Senator from Massachusetts is a sense of the Senate that we should debate and vote on whether to raise the minimum wage before the end of the first session of the 104th Congress.

I would like to point out, Mr. President, that minimum wage legislation comes under the jurisdiction of the Labor and Human Resources Committee, of which I am chairman and the Senator from Massachusetts is ranking member.

I believe it is important to hold hearings on this issue in our committee. The minimum wage is just one part of the Fair Labor Standards Act. That Act is a comprehensive piece of legislation which covers everything from child labor laws to overtime laws. I think it is one that needs extensive and thorough review and hearings. It is a very important piece of legislation. The minimum wage is just one part of that.

Congress has not conducted a serious oversight of the entire statute for several decades. I believe it is of fundamental importance and the responsibility of our committee to do so. Clearly, the law needs to be brought up to date to reflect significant changes in the workplace over the last 50 years.

I am committed to holding hearings in the Labor Committee to review all aspects of the FLSA, including the minimum wage. I think it is premature, however, to be bound by this sense-of-the-Senate amendment and have it viewed as a debate on whether one is for or against an increase in the minimum wage. That is not what this debate is about.

I think the Senator from Massachusetts, as the ranking member, knows that our committee has had a very full agenda. There are a number of important issues we have been working on, including health care, job training, FDA and OSHA reform, and several reauthorization bills which have to be completed this year.

Unfortunately, I think, despite the importance of FLSA reform, the schedule has just not permitted us to hold hearings yet. Hearings that I think we need to have and should have and, as I have said before and I will say again, I am committed to holding.

I would remind my colleagues that the Senator from Massachusetts, now the ranking member, was chairman of the Labor and Human Resources Committee for the last 2 years. There was no real sense of urgency at that time, when my Democratic colleagues on the other side of the aisle were in the majority, to address this issue. I really have to wonder why, all of a sudden, on this State Department reorganization legislation, the Senator has offered a sense of the Senate which could be interpreted, I think wrongly, as a vote for or against an increase in the minimum wage.

For that reason I think this is not the time or the place to have this type of debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2029 TO AMENDMENT NO. 1977

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for himself and Mrs. KASSEBAUM, proposes an amendment numbered 2029 to amendment No. 1977.

Strike all after the word "that" and insert in lieu thereof the following: "that the Senate should debate and vote on comprehensive welfare reform before the end of the first session of the 104th Congress."

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, first I wish to compliment my friend and colleague, Senator KASSEBAUM, the chairman of the Labor Committee, for her statement. I hope people heard her statement.

Also, I will mention the reason why I offered this second-degree amendment. The second-degree amendment says Congress should take up and consider and vote on comprehensive welfare reform before the end of this year. I think that is a very high priority. Maybe I think it is a higher priority than increasing the minimum wage, because I happen to believe increasing the minimum wage will cost jobs.

The Senator from Kansas, as chairman of the Labor Committee, said she will have a hearing on minimum wage. I might mention, that is more than our friends on the other side did. The sponsor of this amendment, when he was chairman of the Labor Committee for the last 2 years, I do not believe they had hearings on increasing the minimum wage. I know, if my memory serves me correctly, Senator Mitchell, when he was majority leader the last 2 years, they did not pull up legislation on the floor of the Senate to increase the minimum wage.

Now they offer an amendment to this bill, the State Department authorization bill, and the amendment says we should consider and take up and vote on increasing the minimum wage.

No. 1, that is an amendment that has nothing to do with the State Department authorization. It is kind of saying: We were running the Senate for a number of years and it was not a high enough priority for us to do it then, but now we want to do it while Republicans are controlling the Senate. I disagree. Senator DOLE is the majority leader. He is the one who sets up the agenda of the Senate, not the Senator from Massachusetts.

So I have offered an amendment in the second degree. It says Congress should take up welfare reform. I think that is important. I know the majority leader thinks that is important. I think the majority leader should set the agenda of the Senate.

So I compliment my friend from Kansas. I appreciate her cosponsoring this amendment. I hope people will place this amendment as a higher priority.

I will mention, actually, probably neither amendment should be on this bill. We should be considering the amendment of the Senator from North Carolina. We ought to be voting on it. I will say we ought to be voting on it in 15 minutes, because this entire body, by the majority leader, was told we will have votes not before 6 o'clock. For us to take up nongermane amendments, for us to debate a lot of things and not take up the legislation pending, I think is irresponsible. We have a lot of work to do. A lot of us would like to keep most of the August recess. We would like to spend a little time in our States and with our families.

So I think it is important for us to pass this bill. I know the Senator from North Carolina urges us to do so. We have a couple of amendments that are pending. There are a couple of amendments we have the yeas and nays ordered on. I hope we will vote on those. I hope we will vote on those tonight.

We have a lot of other amendments, very, very important amendments, that we may be dealing with, talking about reorganizing the State Department, abolishing agencies, restructuring—I compliment the sponsors of the bill before us. It is very substantive legislation.

We have also heard some in the administration say, "Let's not let this pass. Let's allow it to be slowed down." I regret that. But I think we should take up the legislation. I think the amendment of the Senator from Massachusetts needed to be amended, so I have offered an amendment. I hope my colleagues will support it.

Again, I repeat, what this amendment is, it says Congress should take up before the end of this year comprehensive welfare reform. I know the President of the United States spoke to the Governors and he urged we have welfare reform. I know the Senate majority leader spoke to the Governors today and he said we should have welfare reform. So, hopefully, Congress will work out its difference and we will pass a bipartisan welfare reform bill this year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I guess I am somewhat amused by the notion that the way to solve the problem of an amendment that is somehow not appropriate on this bill is to amend that amendment with an amendment that is not appropriate to this bill. The logic of that does not quite sit. But, on the other hand, we all want welfare reform. So I think it is perfectly appropriate, now that the precedent is set, for us to follow suit with other amendments.

We will be happy to accept the amendment of the Senator from Oklahoma. I do not think there is any further debate on it, so we could proceed.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2029) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2030 TO AMENDMENT NO. 1977

Mr. KERRY. Mr. President, I send an amendment to the desk to the amendment of Senator KENNEDY.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 2030 to amendment No. 1977.

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

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

The amendment is as follows:

SEC. .

It is the sense of the Senate that:

(1) the current economic recovery has generated record profits for industry, but hourly wages have grown at a below average rate;

(2) the minimum wage has not been raised since April 1, 1991, and has lost more than 10% of its purchasing power since then;

(3) the average minimum wage worker provides 50% of her family's weekly earnings;

(4) nearly two-thirds of minimum wage workers are adults, and 60% are women;

(5) a full-time, year-round worker who is paid the minimum wage earns $8,500 a year, less than a poverty level income for a family of two;

(6) there are 4.7 million Americans who usually work full-time but who are, nevertheless, in poverty, and 4.2 million families live in poverty despite having one or more members in the labor force for at least half the year;

(7) the 30% decline in the value of the minimum wage since 1979 has contributed to Americans' growing income inequality and to the fact that 97% of the growth in household income has accrued to the wealthiest 20%;

(8) legislation to raise the minimum wage to $5.15 an hour was introduced on February 14, 1995, but has not been debated by the Senate; and

(9) the Senate should debate and vote on whether to raise the minimum wage before the end of the first session of the 104th Congress.

Mr. KERRY. Mr. President, this simply puts us back in the parliamentary position we were in. We have now agreed we ought to have welfare debated before the end of the session. The issue before us is still whether or not we ought to have the minimum wage debated before the end of the session.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank my friend and colleague. I will be glad to be a cosponsor of the amendment of the Senator, but I am not going to make that request at the present time.

I just say, Mr. President, as the Senator from Kansas knows very well, this legislation for the increase in the minimum wage was introduced in February. There has been a very full agenda for the committee. I have enjoyed very much the opportunity to work closely with Senator KASSEBAUM and our Republican colleagues. But it is a reflection of priorities. It has been the judgment of that committee to set other matters as priorities. I think at some time this should have had a hearing and we have an opportunity to address this issue at this time.

Mr. President, the amendment I am offering is a sense-of-the-Senate resolution that calls for us to debate and vote on raising the minimum wage some time before the end of this session of Congress. It does not endorse any particular outcome; it does not say we should pass S. 413, the bill Senator DASCHLE introduced on behalf of the President, or vote to raise the minimum wage to $5.15 an hour—though I strongly believe we should.

Rather, the amendment says only that the Senate should take up the issue, debate it, and vote one way or the other, rather than sweeping this issue under the rug and ignoring the 12 million American workers who would get a raise if the President's bill were enacted.

The appropriate level for the minimum wage is a critical issue, both for the millions of low-wage workers who are directly affected by it and for the economy as a whole. Income inequality is a growing problem in the United States, and the declining purchasing power of the minimum wage is an important factor in the problem.

Since 1979, 97 percent of the growth in real household income has gone to the wealthiest 20 percent, while the remaining 3 percent of the growth in household income has been shared by the other 80 percent of Americans. The real family income of the bottom 60

percent of Americans has declined since 1979, while the real income of the top 20 percent of families grew 18 percent.

Part of the decline in income for the middle and lower middle class has been caused by the decline in the purchasing power of the minimum wage, which has fallen almost 30 percent since 1979, and more than 10 percent since it was last raised in 1991. As a nation, we are getting farther and farther away from the concept that work should pay, that a full-time, year-round worker should be able to keep her family out of poverty.

Today, a nurse's aide, janitor, or child care worker who makes the minimum wage earns just $8,500 for 50 weeks of work at 40 hours a week—falling more than $6,000 short of the poverty threshold for a family of four.

There is an old saying that, "the rich get richer and the poor get poorer." But that should not be our national economic policy. The Senate should vote on raising the minimum wage because it is immoral and destructive to have one out of every nine families with a full-time worker living under the poverty line—without enough money to feed and clothe their children and keep a roof over their heads.

The rich in America are getting richer: the value of the stock market has increased more than 400 percent since 1982. But almost everyone else, and the working poor especially, are getting poorer. Real wages have declined, on average, 15 percent since 1982.

Business Week magazine, in a recent cover story called, "The Wage Squeeze," argues that "weak wage growth is sapping demand" and "dragging down the economy throughout the recovery." Even though corporate profits are at record highs and unemployment has been falling steadily for three years, hourly pay and per capita income have lagged far behind the average recovery.

Raising the minimum wage will not, by itself, reverse the growing income inequality that threatens our economic future. But it would be a step in the right direction. If we increased the minimum wage to $5.15 an hour, 11 million hard working people would get a raise.

I have heard all of the arguments against the minimum wage, and none of them has any merit. For years, it was argued that raising the minimum wage was bad for the people who got the raise because a significant number of them would lose their jobs.

Well, year after year, we had minimum wage increases, and the economy continued to add jobs by the millions.

Then it was claimed that teenagers would lose their jobs if the minimum wage went up. But when economists stopped quoting from their textbooks and studied the actual, real world data, they found that their theories were wrong—even teenage unemployment is not significantly affected by raising the minimum wage.

First, Princeton's David Card and Alan Krueger, then Harvard's Larry Katz and Bill Spriggs of the Joint Economic Committee, found that businesses adjusted to minimum wage increases in various ways, such as increasing prices, but they did not respond by cutting their workforce. In some cases, they actually added workers.

How is this possible? Why did demand for these workers not go down as their cost went up? The obvious answer is that their work was so undervalued at the minimum wage that their employment was still a major benefit for employers after the minimum wage was raised. And that is the situation today. The minimum wage is so low that the work done by the employees who earn the minimum wage is undervalued and underpriced.

Raising the minimum wage is no likelier to cause job losses today than it was when the last increase was made in 1991. We have added more than 7 million net new jobs since then, and the minimum wage is a smaller fraction of the national average wage, and lower in real terms, than it was in 1991. In other words, the minimum wage is even more underpriced now than it was in 1991, and the employment effects of raising it should be even less.

Now that the old argument about job losses has been disproved, the Republicans have come up with a new argument, the exact opposite of the old one: raising the minimum wage is wrong, because it leads teenagers to drop out of school and go to work. The research supporting this new theory is flawed. The data does not support it so opponents of the minimum wage will be forced to stretch their imaginations to come up with new arguments.

For years, Republicans have claimed that the minimum wage is really no help to poor families because only teenagers work for the minimum wage. But according to the Bureau of Labor Statistics, 63 percent of minimum wage earners are adults over the age of 20.

Republicans have also argued that there are better ways to help the poor, such as the earned income tax credit. Now, however, Republican support for the EITC has begun to erode. They voted overwhelmingly for a budget plan that assumes a $21 billion cut in the EITC over 7 years, which will raise taxes on 14 million low income workers.

They oppose helping the working poor with a minimum wage increase; they vote to cut back the EITC; but they are rushing ahead with plans to give the wealthiest people in our society a lavish tax cut. It is no wonder we are growing apart as a nation when so much energy is expended to help those who do not need it, while pushing down the families at the bottom of the economic ladder.

The growing Republican opposition to the earned income tax credit is based on its budget impact—its cost to the Federal Government. The same concerns should lead them to support a minimum wage increase, since it will save the Federal Government more than a billion dollars over 5 years.

By moving millions of workers out of poverty, an increase in the minimum wage to $5.15 an hour would save more than $600 million in AFDC expenditures, more than $350 million in Medicaid costs, and almost $300 million in food stamps, over 5 years. Raising the minimum wage is the fair thing to do. It is also the cost-effective thing to do.

Three out of five minimum wage workers are women, and most of them make important contributions to their families' income, while they also shoulder the responsibility for cooking meals, cleaning the house, and getting their kids to day care. The average minimum wage worker brings home 51 percent of her family's weekly earnings.

The Senate should debate and vote on raising the minimum wage because it is a way to help make life a little brighter for the people who struggle to make ends meet, who believe in the American dream of working hard in order to get ahead, but who have been finding themselves slipping behind no matter how much harder they try.

I have met with many people who work for the minimum wage—especially young adults with families to raise—and their lives are hard. Typically, the husband works 30 to 35 hours a week at $4.25 an hour for a pizza chain, including split shifts and evenings. His wife works 40 hours a week at similar wages. She staggers her work hours, so that either she or her husband can always be at home to take care of their two infants. Neither has health care coverage, and they cannot afford child care.

So, between the two of them, they work all day long, rarely able to spend time together. They despair about saving to send their children to college because both of them are still paying off the loans they took out for the 1 year of college they attended. These bright, hard-working young Americans with high school educations and dreams of higher education and attainment. But they are barely scraping by because the law allows their work to be undervalued and underpaid.

Senator DASCHLE introduced the President's bill on February 16, more than 5 months ago. Yet the bill has not had a hearing and is not on the calendar for floor consideration. With each additional month that passes, the value and purchasing power of the minimum wage declines still more, and the lives of those who earn it are made harder.

Mr. President, I urge the Senate to adopt my amendment and commit itself to voting on legislation to raise

the minimum wage before the end of this session of Congress.

I want to just reiterate a few items I think have made this matter more timely. One is the various conclusions that are being reached now in Business Week magazine on the issue of wages. I will also have printed in the RECORD the very significant June 25 story in the New York Times. It starts out: "Productivity Is All, But It Doesn't Pay Well." This is by Keith Bradsher. It points out:

It is a principle as old as capitalism and the antithesis of Marxism: workers should reap according to their labors. Yet over the last six years, compensation for American workers seems to have stagnated even as they have worked ever more efficiently and produced ever more goods.

The trend is especially striking because it breaks one of the most enduring patterns in American economic history. Workers have fairly consistently collected about two-thirds of the nation's economic output in the form of wages, salaries and benefits. Owners of capital, like stocks or bonds or small businesses, have collected the other third, in the form of dividends, profits and investment gains.

"It is remarkable how constant labor's share has been over the last 150 years," said Lawrence Katz, a former chief economist at the Labor Department. "This is one of the strongest regularities of advanced economies."

Wages and salaries and benefits actually climbed slightly faster than productivity for a while in the late 1960's and early 1970's. Productivity moved ahead a little faster than compensation during the late 1970's, and through much of the 1980's. But it seems the real gap opened after that.

The strongest evidence so far that the workers are receiving less of the fruits of their labors came last week, when the Labor Department revised its estimate of wage and compensation growth. After adjusting for inflation, average wages and salaries apparently fell 2.3 percent over the 12-month period that ended in March. Productivity rose 2.1 percent during the same period.

That is what happened in June. This is what is happening in July. Talking about the timeliness of this particular measure, now is the time. Now is the time.

Then the story goes on.

Include fringe benefits, and the current numbers look even worse for wage-earners. Overall compensation fell 3 percent in the 12-month period through March, as companies and State and local governments provided fewer health benefits.

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

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

[From the New York Times, June 25, 1995]

PRODUCTIVITY IS ALL, BUT IT DOESN'T PAY WELL

(By Keith Bradsher)

It is a principle as old as capitalism and the antithesis of Marxism: workers should reap according to their labors. Yet over the last six years, compensation for American workers seems to have stagnated even as they have worked ever more efficiently and produced ever more goods.

The trend is especially striking because it breaks one of the most enduring patterns in American economic history. Workers have fairly consistently collected about two-thirds of the nation's economic output in the form of wages, salaries and benefits. Owners of capital, like stocks or bonds or small businesses, have collected the other third, in the form of dividends, profits and investment gains.

"It is remarkable how constant labor's share has been over the last 150 years," said Lawrence Katz, a former chief economist at the Labor Department. "This is one of the strongest regularities of advanced economies."

Wages and salaries and benefits actually climbed slightly faster than productivity for a while in the late 1960's and early 1970's. Productivity moved ahead a little faster than compensation during the late 1970's and through much of the 1980's. But it seems that the real gap opened after that.

The strongest evidence so far that workers are receiving less of the fruits of their labors came last week, when the Labor Department revised its estimates of wage and compensation growth. After adjusting for inflation, average wages and salaries apparently fell 2.3 percent over the 12-month period that ended in March. Productivity rose 2.1 percent during the same period.

Include fringe benefits, and the current numbers look even worse for the wage-earners. Overall compensation fell 3 percent in the 12-month period through March, as companies and state and local governments provided fewer health care benefits.

The drop has provoked a profusion of historical comparisons. "A high-capital income society is no longer a middle-income society but something reminiscent of the Gilded Age," said Bradford DeLong, a former deputy assistant secretary of the Treasury * * *.

Mr. KENNEDY. Mr. President, I would be glad to entertain a consent request. Is that the desire of the Senator from North Carolina?

Mr. HELMS. I want to get back to what we were talking about, the bill, if the Senator will allow us. I think he has made his point about what he thinks we ought to do. I thought that was the majority leader's responsibility.

Will the Senator yield the floor?

Mr. KENNEDY. No. I was informed that the Senator was prepared to make a consent request and I was prepared to have that consideration. But I will not take much more time. I will make some brief comments. I was attempting to try and accommodate the Senator.

Mr. KERRY. Mr. President, will my colleague yield for a moment just for the purpose of making a unanimous-consent request?

Mr. KENNEDY. Reserving my right, Mr. President, I yield for a consent request.

Mr. HELMS. Mr. President, I ask unanimous consent that a vote occur on amendment No. 2026, the Helms amendment, at 6:45 this evening.

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

Mr. HELMS. I thank the Chair. I thank my colleagues.

Mr. KERRY. I thank my colleague.

Mr. KENNEDY. Mr. President, I put in the RECORD the New York Times article.

I want to just mention another article that was in the Washington Post of today, "U.S. Finds Productivity, but Not Pay, Is Rising."

The government yesterday confirmed what most workers already knew: In terms of their pay, Americans are just treading water.

The Labor Department reported that wages and benefits in private industry increased 2.8 percent over the last year. It was the smallest advance since the department began calculating its employment cost index in 1981 and reflected the low level of inflation and the inability of workers to wrest pay raises from employers in an increasingly competitive economy.

Adjusted for inflation, the compensation measure shows a slight 0.2 percent decline over the past 12 months in spite of robust gains in worker productivity and record levels of corporate profits.

All of these studies are showing—Business Week, the Washington Post, the New York Times, all within the past several weeks making the point that we are experiencing record profits in the stock market, record profits in corporations, declining wages in terms of workers in the minimum wage, and the family wage, which is now down to where it was in 1989 which is the last time it was increased.

We were talking briefly out here with our friend and colleague from Kansas saying, "Why now?" The interesting point about "Why now?" is we have finally gotten to the bottom of where we were in 1989. We have gotten to that point in the last several weeks. At that time, a Republican President said enough is enough. At that time, the President and a broad bipartisan group said that workers that were receiving only about 70 percent of the real purchasing power of the minimum wage should at least get some bump. They got some bump during the 1989–1991 period. But we have no recognition from the other side that there is a problem. We do not hear our colleagues on the other side saying, let us get about the business and let us try to find some common ground, let us try to see if we cannot make a difference on it.

So, Mr. President, we believe that this is a timely matter, that the Senate should go on record as our friends from Minnesota and Illinois pointed out. All this is saying is that we will go on record before the end of the session in terms of the increase in the minimum wage.

Really the proposal that Senator DASCHLE had was a bare bones program which would not even move back up, barely move us back up to where increases were in 1990. The Daschle program brings up back here, not where it was in the period for some 15 years but only brings us back to where it was under a Republican President; not asking an awful lot. We are not out here demanding that we get a vote to bring

it all the way back up here, although I believe that is justified. The Daschle proposal would move this red line right back up to where it was when it was signed by a Republican.

This does not seem to me to be such a radical proposal to demand to say, "Oh, my goodness, we cannot possibly gain the time, have an opportunity to debate those issues out on the floor of the Senate. There are too many other matters." I think we could get some time to debate the importance of that particular measure that makes a difference to 12 million of our fellow citizens.

We did not spend a lot of time when we were taking away some of the OSHA protection for those workers. We did not take a lot of time when we were taking away the mine safety protection for those workers. We did not even have the hearings over there in the Human Resources Committee. We did not take much time on that when we were talking about safety. Now we hear, "Oh, my goodness." If we are going to just bring back the minimum wage to some extent to make it a little more respectable for working families to have children, and 60 percent to 65 percent of the minimum wage workers are women in our society and are having difficulty making ends meet, we are suddenly saying, "Oh, no. We cannot be prepared to support this resolution that will just say that by the end of this Congress we will consider it on the floor of the U.S. Senate."

That is what effectively we are hearing from the other side, that we have too many other matters. I would be glad to be a cosponsor of Senator NICKLES' amendment dealing with welfare reform. But what is so difficult about working on the income too for working families? We did not spend much time when the budget came back. When they had the reductions in the earned income tax credit for working families in that budget proposal that is $4 trillion in terms of tax expenditures and they put $21 billion in additional taxes on working families making less than $26,000. They were raising the taxes on these working families.

All we are saying here is, "Can we not find between now and the time that we close down this business maybe a day, maybe a few hours, maybe on a Friday afternoon, maybe on a Saturday, on something that will make a difference to those 12 million Americans?" We are prepared to stay here and debate this on a Friday afternoon or a Saturday and set the time for a vote. What do you think those families are thinking tonight? "We do not have the time to debate this issue. We do not have the time in August, in September, in October to spend a few hours and consider this on the basis of the merit. We do not have time for that."

Mr. President, I think they understand about who has time for them and who does not have time for them. I know Mr. Armey on the other side said, "We will not have an increase in the minimum wage. We do not care. It will just not pass."

All we are saying is in the next 3 months give us a few hours to debate it. If you are so sure of your side over there, if you are so sure of your facts, if you are so sure that there is going to be inflation and lost jobs, why not agree to debate it? Why not agree to it? Why not say, OK. Just let us go ahead and give us a time to vote? We did it on the question of gifts. We did it on lobbying. We got votes on those. Those were important measures. But somehow when it comes down to paying working families a livable wage, we will not do it.

Mr. President, we will have an opportunity to do it because this issue is not going to go away. We will hear people moaning and groaning about, as I have heard for years and years and years, about, Oh, well, we did not go through the committee of jurisdiction. That is always such a wonderful argument to use when you differ with something. But then you come right out here at any other time, if you have the votes you can get these matters up. Well, we may not have the votes to carry this resolution, but we are going to keep after it. I know that this institution over a period of time will have the votes because it is right, it is fair, and it is the decent thing to do. It rewards work, and it is a responsibility I think that we have to our fellow citizens.

So if they say, no, we are too busy doing other matters; we are too busy, we cannot find the time to do this, that is a message to the American people. I do not think it will stand because it is wrong.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). Who seeks recognition?

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. 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. CRAIG. Mr. President, I ask unanimous consent that immediately following the vote at 6:45 this evening, Senator KASSEBAUM be recognized, and the time prior to a motion to table the Kennedy amendment be limited to 5 minutes to be divided between Senators KASSEBAUM and KENNEDY, and that at the conclusion of that time, Senator KASSEBAUM be recognized to move to table the Kennedy amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I now ask unanimous consent to proceed as in morning business for up to 10 minutes.

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

CIVIL SERVICE EMPLOYEES AND LOBBYING

Mr. CRAIG. Mr. President, this evening, my colleague from Wyoming and I come to the floor to discuss with the Senate what we believe to be a very important issue. It has come to our attention in the last several days that in a letter directed to the Director of the Bureau of Land Management in each of our States across the Nation, coming from the Acting Director, Mr. Dombeck, a letter goes to them instructing them to engage in an outreach informational program about a pending piece of legislation before the U.S. Senate.

If this is true, and in the manner in which it has been done, it appears that this Acting Director of BLM, who is a civil servant unconfirmed, may have acted in a way as to have violated the law of this country.

I say so because it is very, very clear that section 303 of the 1995 Interior Appropriations Act states:

> No part of any appropriation contained in this act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

The directive sent to the State Directors of BLM, instructing them to perform in certain ways, was about the pending rangeland reform, or the Public Rangeland Management Act that is now pending before the Senate. This instruction went out prior to the committee's action, prior to the markup and the passing out of the Energy and Natural Resources Committee, this legislation. It is a detailed, instructive act.

Since that time, we have seen op-ed pieces, public comments, interviews, and actions taken by State Directors of the BLM and/or their public information personnel.

While we are not sure that this constitutes a violation of the act, it clearly appears at this moment, at least to this Senator, that a public information, if not a political campaign was launched to spread what is now misinformation about a pending piece of legislation.

I ask unanimous consent to have printed in the RECORD a memo that I have obtained from the Acting Director, going to the States, which outlines a complete campaign of information directed at a pending piece of legislation before the U.S. Senate.

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

JULY 5, 1995.

To: State Directors, Attention: External Affairs Chiefs.

From: Acting Director, Bureau of Land Management.

Subject: Healthy Rangelands Communication Plan.

Thank you for your excellent work over the past year promoting BLM's efforts to improve the health of the public rangelands. I believe that our approach to collaborative public rangeland management best serves the people and the lands entrusted to our stewardship.

In order to further promote our approach, we have developed and attached a rangeland communication plan which I expect each state to implement over the next three weeks. The July communication's plan focuses on three areas: Resource Advisory Councils (RACs), Inreach, and Outreach.

I commend your efforts during the RAC Domination process. By now you should be working with your Governors to recommend nominations for the Secretary's approval. These should be submitted to the Washington Office by July 14.

In terms of "inreach", during July I want you to make sure that all BLM staff have the opportunity to review our briefing materials and agency testimony on the differences between the Livestock Grazing Act and BLM's cooperative relations and grazing administration rules.

Our primary focus for July is "outreach". The outreach section of the communications plan identifies basic minimum tasks that I expect the State Directors and State External Affairs Chiefs to accomplish during July. Feel free to expand or enhance these tasks as appropriate. The differences between BLM's collaborative approach to public rangeland management and the one presently under discussion in Congress are dramatic. We have an obligation to make our constituents aware of these differences.

Barry Rose (208/384-3393) of Idaho's Lower Snake River Ecosystem Office and Chris Wood (202/208-7013) of the Washington Office will continue to serve as field and headquarters coordinators for rangeland communication issues. Please provide Tony Garrett, Director of Public Affairs for the Washington Office with an status update on implementation of the communication plan each week during the external affairs conference call.

Barry Rose and Chris Wood will discuss the communication's plan with you at the conference call this afternoon. Thanks for your continued efforts.

TEN WAYS THE LGA UNDERMINES MULTIPLE USE OF PUBLIC LANDS

	Section
Severely limits public involvement in public land management:	
Says only grazing permittee/lessee, adjacent landowners, advisory councils, and states may participate in development of grazing plans. Does not provide for direct participation by all others who are affected by grazing decisions or value public lands—including hikers, campers, miners, oil companies, Indian tribes	121(a)
Specifies that only permittee/lessee may protest or appeal a grazing decision. All other citizens could be excluded from taking an active role in the appeals process	162 164(a)(1)
On-the-ground grazing management would be exempt from the National Environmental Policy Act. The effects of grazing on the human environment would not be analyzed in a public forum or subject to public scrutiny	106(d)(2)

TEN WAYS THE LGA UNDERMINES MULTIPLE USE OF PUBLIC LANDS—Continued

	Section
Restricts the ability of resource managers to address environmental concerns:	
Could result in at least 23 years of monitoring, appeals, and other delays before management actions that protect resource health can be implemented	114, 104, 123, 164
Terms and conditions of a lease would be limited to grazing specific issues (kind, number, season of use, periods of use, allotments to be used, and amount of use) unless provided for by allotment management plan terms and conditions or the LGA	136(a)(b)
Terms and conditions of a lease/permit would no longer normally be used to provide for other uses and values such as winter forage for deer and elk, nesting habitat for game birds, water sources for wild horses and burros, water quality, or healthy riparian areas	
Even emergency decisions are subject to suspension upon appeal. No provisions to put decisions in immediate effect	114(d), 164(b)1
Moves public land management away from a tradition of "multiple use":	
Broadly exempts livestock grazing from oversight, appeal, management, and enforcement requirements that apply to other public land users	106, 121, 123, 136
The definition of livestock "carrying capacity" would allow livestock stocking rates to the point that grazing does not "induce *permanent damage* to vegetation or related resources" [emphasis in italic]	104(21)
Monitoring and inspection may not occur unless the livestock operator has been invited and allowed to participate. This compromises BLM's ability to conduct trespass investigations and allows the uncooperative operator "veto power" over needed monitoring	114, 123, 141(b)
Requires that grazing violations are "knowingly and willfully" committed—this places a nearly impossible burden of proof on managers and makes ignorance an acceptable excuse for violations	141(b)1

RANGELANDS COMMUNICATIONS PLAN

Category	Task	Lead	When
Resource Advisory Councils.	Review nominations with Govs., forward to Headquarters.	SDs/External Affairs Chiefs.	July 14.
	Assist National Training Ctr. with RAC orientation package and training materials.	Rose	Draft package due July 31.
Inreach	Ensure that all offices have briefing materials on final rules and Livestock Grazing Act (LGA).	B. Johns	July 14.
Outreach	Respond to misinformation.	External Affairs Chiefs.	Within 5 days of receipt.
	Prepare op-ed to daily/weekly papers and other media.	External Affairs Chiefs.	July 21.
	Conduct briefings interest groups on differences between LGA and final rule.	External Affairs Chiefs and appropriate staff.	July 31.
	Meet with key reporters.	All public affairs staff with Area/District managers as appropriate.	July 31.
	Meet with Editorial boards.	SDs/External Affairs Chiefs.	July 31.

Mr. CRAIG. Mr. President, I yield to my colleague from Wyoming such time as he may consume, to discuss the action that the Senate and the appropriate committees have decided to take.

Mr. THOMAS. I thank my colleague and the chairman of the subcommittee that is handling this bill.

Let me say as background, it seems to me that this country relies on having a civil service legally buffered from political struggles. I think that is terribly important.

Our Government is organized to have two levels, a political and a civil service career level. Dedicated career employees implement the law, while those designated as political work with or against Congress to establish the law. It is a fine line that must be maintained.

The Clinton administration has apparently blatantly crossed that line and put career civil service employees in the position of violating one of the oldest lobbying laws on the books, that has sought for years to protect against the very thing.

Let me cite it again, section 303 of the 1995 Interior Appropriations Act:

> No part of any appropriation contained in this act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

The protection, of course, is for both the employees and the public. The Interior Department has asked employees in their jobs to lobby against the public range management action, violating both the antitrust and the antilobbying action and the Interior Act.

We want to look into this from both standpoints—the standpoint of protecting career employees as well as the standpoint of obeying the law and not having a bureaucracy campaigning on issues that are unfair.

As chairman of the Committee on Oversight Investigations, at the request of our chairman of the full committee, I have sent a letter to the Secretary of the Interior, Mr. Babbitt, and have asked him to cooperate in a reasonable investigation.

We have not yet determined whether there would be a hearing. If there are reasons to do that, we are prepared to have a hearing on this issue.

Mr. President, I think it is one that, obviously, is important in this issue, but it is important in a broader sense than that. That is, that we do have a separation, and we should protect career employees from being directed to get into the political activity of determining the decisions and the political issues here.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter that has been sent to the Secretary of the Interior.

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

U.S. SENATE,
COMMITTEE ON ENERGY
AND NATURAL RESOURCES,
Washington, DC, July 28, 1995.

Hon. BRUCE BABBITT,
Secretary of Interior,
Department of the Interior, Washington, DC.

DEAR MR. SECRETARY: Pursuant to the direction of the Chairman and Ranking Minority Member of the Senate Energy and Natural Resources Committee, this letter is to inform you that the Oversight and Investigations Subcommittee is initiating an investigation of activities by employees of the Bureau of Land Management (BLM) that appear to constitute violations of the 1995 Interior Appropriations Act and the Anti-Lobbying Act. These lobbying activities are being systematically directed against the Public Rangelands Management Act of 1995, S. 852, which currently is before the Senate, and other pieces of legislation pending before this Committee.

Many of the lobbying activities relating to S. 852 appear to stem from a July 8, 1995 memorandum from BLM Acting Director Dombeck to all BLM State Directors which transmitted a "Healthy Rangelands Communication Plan." In his memorandum, Mr. Dombeck states that the primary focus of BLM during July is "outreach." The purpose of this outreach is "to make our constituents aware" of the differences between BLM's "approach to public rangeland management and the one presently under discussion in Congress." As the memorandum states, these differences are "dramatic." Attached to Mr. Dombeck's memorandum is a chart titled "Rangelands Communications Plan." This plan identifies five tasks which apparently constitute the "outreach" referred to in Mr. Dombeck's memorandum. These tasks involve BLM State Directors, the External Affairs Chiefs and their staff in the State Directors' Offices, and area and district managers. The tasks include responding to "misinformation," preparing opinion pieces for the media, conducting briefings for interest groups, meeting with key reporters, and meeting with editorial boards. Mr. Dombecks' plan has resulted in BLM employees in the field espousing the horrors of S. 852, and numerous media stories throughout the West which cast S. 852 in a very disparaging light.

It seems plain to me that the "Healthy Rangelands Communication Plan," and activities thereunder, was designed to influence the legislative consideration of S. 852 in precisely the manner prohibited by the Department of the Interior and Related Agencies Appropriation Act, 1995, Pub. L. No. 103-322, section 303, 108 Stat. 2499, 2536 (1994) ("section 303"). In addition, some of the actions taken by BLM employees in implementing the plan may constitute criminal violations of the Anti-Lobbying Act, 18 U.S.C. section 1913. As Chairman of the Subcommittee on Oversight and Investigations, BLM's "Healthy Rangelands Communication Plan" and other activities aimed at influencing public opinion on legislation pending before the United States Senate greatly concerns me.

Section 303 of the 1995 Interior Appropriations Act states:

"No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete."

The language of section 303, on its face, is a very broad and comprehensive prohibition on the expenditure of appropriated funds. It includes four uses of the term "any" in a single sentence. Congressional intent could not be more emphatic. Moreover, the use of the word "tends" even more clearly demonstrates that both direct and indirect conduct is targeted, for, as a factual manner, even indirect conduct may "in any way tend" to promote public support on an issue. Without detailing other evidence of the breadth of section 303 in this letter, a close review of the legislative history of this provision, which first appeared in the Interior's appropriation bill for Fiscal Year 1978, and a General Accounting Office opinion on this provision, clearly show that section 303 is designed to prohibit any activity which tends to promote public support for agency goals concerning a matter pending before Congress.

Activities of BLM employees in implementing Mr. Dombeck's plan may even rise to the level of violating section 1913 of the United States Criminal Code. Section 1913 provides that:

"No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or any other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress . . ."

Violation of this section is punishable by removal from office or employment, a fine, and up to one year imprisonment. Although section 1913 permits direct communications from agency officials to Members of Congress made "through proper official channels," actions implementing the "Healthy Rangelands Communication Plan" do not appear to fall within this narrow exception.

The possibility that BLM employees may have violated section 303 of the 1995 Interior Appropriations Act and, perhaps, section 1913 of the Anti-Lobbying Act is a serious matter which warrants an investigation by the Oversight and Investigations Subcommittee. Your assistance in this investigation is therefore requested. Accordingly, I request that you forward all documents responsive to the following request to the Senate Energy and Natural Resources Committee, Subcommittee on Oversight and Investigations:

All documents by or for any Department of the Interior official or employee including, but not limited to: officials or employees in the Office of the Secretary; officials or employees in the Office of the Assistant Secretary for Land and Minerals Management; BLM officials or employees in Washington, DC, including Acting BLM Director Dombeck, Bob Johns, Chief, BLM Public Affairs, Tony Garrett, BLM Public Affairs Team Leader, Chris Wood, BLM Policy Analyst; BLM State Directors; BLM State External Affairs Chiefs and public affairs staff; BLM Area managers; and BLM District managers, which discuss, analyze, implement, or relate in any manner to the July 8, 1995 "Healthy Rangelands Communication Plan," or S. 852, the Public Rangeland Management Act of 1995.

The term document shall include, but is not limited to, any and all originals and drafts of any information whether in written, typed, printed, recorded, transcribed, taped, or audio-taped, however produced or reproduced. This request shall include, but is not limited to, memoranda, letters, briefing materials, analyses, talking points, computer entries, electronic e-mails, telephone logs, tapes, notes, diaries, journal entries, reports, studies, manuals, speeches, opinion documents, position papers, messages, summaries, and bulletins.

Because of the seriousness of these allegations, please forward all responsive documents by Friday, August 4, 1995.

Sincerely,

CRAIG THOMAS,
Chairman, Subcommittee on Oversight and Investigations.

Mr. THOMAS. I yield to my colleague.

Mr. CRAIG. Mr. President, let me thank my colleague from Wyoming for his response. He chairs the Oversight and Investigations Subcommittee of the full Energy and Natural Resources Committee.

I hope the Secretary of the Interior will cooperate. I think it would be tragic if, in fact, the veteran career civil servants of this great, old organization called the Bureau of Land Management have been pushed into a political activity by the acting director, the national director of the BLM.

At least from my cursory observation with the information that is now available, it appears just that. Never in my 14 years in the U.S. Congress have I seen civil servants asking for and gaining interviews with editorial boards, writing editorial or guest opinions in newspapers, advocating a clear position on a given piece of legislation. That simply is not allowed. It may well be a violation of the HATCH Act.

There are other, broader ramifications here. At this moment, the kind of look that I have taken, and I think my colleagues in the Energy and Natural Resources Committee have taken, is that without question there appears at this moment at least to be a violation of this Senate's appropriations act.

The language that the Senator from Wyoming and I read, section 303, is not something new. It goes in every appropriations bill, and it has gone in for a good many years, directing the actions of the agencies involved and the money appropriated and how it should not be used in certain cases.

We hope that the Secretary of the Interior would cooperate so we can get to the bottom of this issue, so that the State directors and the information officers of the BLM will not continually be put in a most awkward position over an issue they are now being asked to advocate, when it is the responsibility of the United States Congress to make those decisions, and then for those agency personnel to carry them out and to promulgate the rules and regulations necessary.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

FOREIGN RELATIONS REVITALIZATION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2026, AS MODIFIED

Mr. HELMS. Mr. President, I call for the regular order.

The PRESIDING OFFICER. Under the previous order, amendment No. 2026 is the regular order.

Mr. HELMS. Very well. And that is now the pending business?

The PRESIDING OFFICER. It is the pending business.

Mr. HELMS. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Under the previous order, the question now occurs on amendment 2026, offered by the Senator from North Carolina [Mr. HELMS].

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN] and the Senator from Nebraska [Mr. EXON] are necessarily absent.

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

The result was announced—yeas 94, nays 2, as follows:

[Rollcall Vote No. 343 Leg.]

YEAS—94

Abraham	Dorgan	Lautenberg
Akaka	Faircloth	Leahy
Ashcroft	Feingold	Levin
Baucus	Feinstein	Lieberman
Bennett	Ford	Lott
Bingaman	Frist	Lugar
Bond	Glenn	Mack
Boxer	Gorton	McCain
Bradley	Graham	McConnell
Breaux	Grams	Mikulski
Brown	Grassley	Moseley-Braun
Bryan	Gregg	Moynihan
Bumpers	Harkin	Murray
Burns	Hatch	Nickles
Byrd	Heflin	Nunn
Campbell	Helms	Packwood
Chafee	Hollings	Pell
Coats	Hutchison	Pressler
Cochran	Inhofe	Pryor
Cohen	Inouye	Reid
Conrad	Jeffords	Robb
Coverdell	Johnston	Rockefeller
Craig	Kassebaum	Roth
D'Amato	Kempthorne	Santorum
Daschle	Kennedy	Sarbanes
DeWine	Kerrey	Shelby
Dodd	Kerry	Simpson
Dole	Kohl	Smith
Domenici	Kyl	Snowe
Specter	Thompson	Wellstone
Stevens	Thurmond	
Thomas	Warner	

NAYS—2

Hatfield	Simon

NOT VOTING—4

Biden	Gramm
Exon	Murkowski

So, the amendment (No. 2026), as modified, was agreed to.

AMENDMENT NO. 2030

The PRESIDING OFFICER. Under the previous order, the question now occurs on agreeing to amendment No. 2030 offered by the Senator from Massachusetts [Mr. KERRY] to amendment No. 1977, as amended. There will now be 5 minutes of debate equally divided between the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Kansas [Mrs. KASSEBAUM].

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, this should not be interpreted as a vote for or against raising the minimum wage. This is simply a sense of the Senate that at some point we should debate and consider such an amendment. And such we shall, but not until the Labor and Human Resources Committee has had the opportunity to debate it and vote on it in committee, which I think is the proper procedure.

I believe this is not the time or place to address this matter, and I will move to table the amendment of the Senator from Massachusetts.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, this is a simple resolution and it is a sense-of-the-Senate resolution that says we will consider, prior to the time that we recess this year, whether we should raise the minimum wage. We have done sense-of-the-Senate resolutions on gifts, we have done it on lobbying, we have done it on finance reform. All we are saying is in the period of the next 12 weeks, can we find a few hours of the Senate's time to consider whether we should address the increase in the minimum wage, which is now nearly the lowest in terms of purchasing power that it has ever been in the history of the minimum wage, all at a time, Mr. President, that magazines like Business Week, the New York Times, the Washington Post talk about record profits for industry, record profits in the stock markets and record salaries for the CEO's.

All we are saying is over the period of these next 3 months that we might have a few hours to debate whether we should consider an increase in the minimum wage. It was good enough for campaign financing, it is good enough for lobbying, it is good enough for welfare reform. It ought to be good enough for the 12 million working families in this country that today are at the bottom rung of the economic ladder.

The PRESIDING OFFICER. Who yields time?

VOTE ON MOTION TO TABLE AMENDMENT NO. 1977, AS AMENDED

Mrs. KASSEBAUM. Mr. President, I move to table the Kennedy 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 is on agreeing to the motion to lay on the table the amendment No. 1977, as amended, offered by the Senator from Massachusetts.

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

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

Mr. FORD. I announce that the Senator from Nebraska [Mr. EXON] is necessarily absent.

The result was announced—yeas 49, nays 48, as follows:

[Rollcall Vote No. 344 Leg.]

YEAS—49

Abraham	Frist	McCain
Ashcroft	Gorton	McConnell
Bennett	Grams	Nickles
Bond	Grassley	Packwood
Brown	Gregg	Pressler
Burns	Hatch	Roth
Chafee	Hatfield	Santorum
Coats	Helms	Shelby
Cochran	Hutchison	Simpson
Cohen	Inhofe	Smith
Coverdell	Kassebaum	Snowe
Craig	Kempthorne	Stevens
D'Amato	Kerrey	Thomas
DeWine	Kyl	Thompson
Dole	Lott	Thurmond
Domenici	Lugar	
Faircloth	Mack	

NAYS—48

Akaka	Feinstein	Lieberman
Baucus	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Bradley	Heflin	Nunn
Breaux	Hollings	Pell
Bryan	Inouye	Pryor
Bumpers	Jeffords	Reid
Byrd	Johnston	Robb
Campbell	Kennedy	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Simon
Dodd	Lautenberg	Specter
Dorgan	Leahy	Warner
Feingold	Levin	Wellstone

NOT VOTING—3

Exon	Gramm	Murkowski

So the motion to lay on the table the amendment (No. 1977), as amended, was agreed to.

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

Mr. KERRY. Mr. President, I move to table the motion.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2031

(Purpose: To amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize reduced levels of appropriations for foreign assistance programs for fiscal years 1996 and 1997)

Mr. HELMS. Mr. President, I ask unanimous consent to lay aside the Dole amendment, and I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2031.

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

The amendment is as follows:

At the end of the bill, add the following new division:

DIVISION C—FOREIGN AID REDUCTION

SEC. 2001. SHORT TITLE.

This division may be cited as the "Foreign Aid Reduction Act of 1995".

TITLE XXI—DEFENSE AND SECURITY ASSISTANCE

CHAPTER 1—FOREIGN MILITARY FINANCING PROGRAM

SEC. 2101. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763) and for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans under such section—

(1) $3,185,000,000 for fiscal year 1996; and

(2) $3,160,000,000 for fiscal year 1997.

SEC. 2102. LOANS FOR GREECE AND TURKEY.

Of the amounts made available for fiscal years 1996 and 1997 under section 23 of the Arms Export Control Act (22 U.S.C. 2763)—

(1) $26,620,000 shall be made available for fiscal year 1996, and up to $26,620,000 may be made available for fiscal year 1997, for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans for Greece; and

(2) $37,800,000 shall be made available for fiscal year 1996, and up to $37,800,000 may be made available for fiscal year 1997, for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans for Turkey.

CHAPTER 2—INTERNATIONAL MILITARY EDUCATION AND TRAINING

SEC. 2121. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $39,781,000 for each of the fiscal years 1996 and 1997 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.).

CHAPTER 3—ANTITERRORISM ASSISTANCE

SEC. 2131. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $15,000,000 for fiscal year 1996 and $15,000,000 for fiscal year 1997 to carry out chapter 8 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa et seq.).

(b) AVAILABILITY OF AMOUNTS.—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

CHAPTER 4—NARCOTICS CONTROL ASSISTANCE

SEC. 2141. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $213,000,000 for each of the fiscal years 1996 and 1997 to carry out chapter 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 et seq.).

(b) AVAILABILITY OF AMOUNTS.—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

CHAPTER 5—PEACEKEEPING OPERATIONS

SEC. 2151. PEACEKEEPING OPERATIONS.

Section 552(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2348a(a)) is amended to read as follows:

"(a) There are authorized to be appropriated to the President to carry out the purposes of this chapter, in addition to amounts otherwise available for such purposes, $40,000,000 for fiscal year 1996 and $35,000,000 for fiscal year 1997.".

TITLE XXII—TRADE AND EXPORT DEVELOPMENT

SEC. 2201. TRADE AND DEVELOPMENT AGENCY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 661(f)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2421(f)(1)) is amended to read as follows: "There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $67,000,000 for fiscal year 1996 and $75,000,000 for fiscal year 1997.".

(b) AVAILABILITY OF APPROPRIATIONS.—Section 661(f) of such Act (22 U.S.C. 2421(f)) is amended by striking paragraph (2) and inserting the following:

"(2) AVAILABILITY OF APPROPRIATIONS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.".

TITLE XXIII—PRIVATE SECTOR, ECONOMIC, AND DEVELOPMENT ASSISTANCE

CHAPTER 1—PRIVATE SECTOR ENTERPRISE FUNDS

SEC. 2301. SUPPORT FOR PRIVATE SECTOR ENTERPRISE FUNDS.

Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by inserting after section 601 (22 U.S.C. 2351) the following new section:

"SEC. 601A. PRIVATE SECTOR ENTERPRISE FUNDS.

"(a) AUTHORITY.—(1) The President may provide funds and support to Enterprise Funds designated in accordance with subsection (b) that are or have been established for the purposes of promoting—

"(A) development of the private sectors of eligible countries, including small businesses, the agricultural sector, and joint ventures with United States and host country participants; and

"(B) policies and practices conducive to private sector development in eligible countries;

on the same basis as funds and support may be provided with respect to Enterprise Funds for Poland and Hungary under the Support for East European Democracy (SEED) Act of 1989.

"(2) Funds may be made available under this section notwithstanding any other provision of law.

"(b) COUNTRIES ELIGIBLE FOR ENTERPRISE FUNDS.—(1) Except as provided in paragraph (2), the President is authorized to designate a private, nonprofit organization as eligible to receive funds and support pursuant to this section with respect to any country eligible to receive assistance under part I of this Act in the same manner and with the same limitations as set forth in section 201(d) of the Support for East European Democracy (SEED) Act of 1989.

"(2)(A) Except as provided in subparagraph (B), the authority of paragraph (1) shall not apply to any country with respect to which the President is authorized to designate an enterprise fund under section 498B(c) of this Act or section 201 of the Support for East European Democracy (SEED) Act of 1989.

"(B) The prohibition of subparagraph (A) shall not apply to the Trans-Caucasus Enterprise Fund established under subsection (c).

"(c) TRANS-CAUCASUS ENTERPRISE FUND.—The President shall designate a private, nonprofit organization under subsection (b) to carry out this section with respect to the Trans-Caucasus region of the former Soviet Union. Such organization shall be known as the 'Trans-Caucasus Enterprise Fund'.

"(d) TREATMENT EQUIVALENT TO ENTERPRISE FUNDS FOR POLAND AND HUNGARY.—Except as otherwise specifically provided in this section, the provisions contained in section 201 of the Support for East European Democracy (SEED) Act of 1989 (excluding the authorizations of appropriations provided in subsection (b) of that section) shall apply to any Enterprise Fund that receives funds and support under this section. The officers, members, or employees of an Enterprise Fund that receive funds and support under this section shall enjoy the same status under law that is applicable to officers, members, or employees of the Enterprise Funds for Poland and Hungary under the Support for East European Democracy (SEED) Act of 1989.

"(e) REPORTING REQUIREMENT.—Notwithstanding any other provision of this section, the requirement of section 201(p) of the Support for East European Democracy (SEED) Act of 1989, that an Enterprise Fund shall be required to publish an annual report not later than January 31 each year shall not apply with respect to an Enterprise Fund that receives funds and support under this section for the first twelve months after it is designated as eligible to receive such funds and support.

"(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes—

"(A) $12,000,000 for fiscal year 1996 to fund the Trans-Caucasus Enterprise Fund established under subsection (d); and

"(B) $52,000,000 for fiscal year 1996 to fund any enterprise fund authorized to receive funds under this section other than the Trans-Caucasus Enterprise Fund.

"(2) Funds appropriated under this subsection are authorized to remain available until expended.".

CHAPTER 2—DEVELOPMENT ASSISTANCE FUND AND OTHER AUTHORITIES

SEC. 2311. DEVELOPMENT ASSISTANCE FUND.

(a) SINGLE AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President the total amount of $2,475,000,000 for fiscal year 1996 and the total amount of $2,324,000,000 for fiscal year 1997 to carry out the following authorities in law:

(1) Sections 103, 104, 105, 106, and 108 of the Foreign Assistance Act of 1961 (relating to development assistance).

(2) Chapter 10 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2294; relating to the Development Fund for Africa).

(3) Chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.).

(4) The Support for East European Democracy (SEED) Act of 1989 (Public Law 101-179).

(5) Title III of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2181 et seq.; relating to housing and other credit guaranty programs).

(6) Section 214 of the Foreign Assistance Act of 1961 (22 U.S.C. 2174; relating to American Schools and Hospitals Abroad).

(b) POPULAR NAME.—Appropriations made pursuant to subsection (a) may be referred to as the "Development Assistance Fund".

(c) PROPORTIONAL ASSISTANCE TO AFRICA.—Of the funds authorized to be appropriated by subsection (a), not less than 25 percent each fiscal year shall be used to carry out chapter 10 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2294 et seq.; relating to the Development Fund for Africa).

SEC. 2312. ECONOMIC SUPPORT FUND.

Subsection (a) of section 532 of the Foreign Assistance Act of 1961 (22 U.S.C. 2346a) is amended to read as follows:

"(a)(1) There are authorized to be appropriated to the President to carry out the purposes of this chapter $2,375,000,000 for the fiscal year 1996 and $2,340,000,000 for the fiscal year 1997.

"(2) Of the amount authorized to be appropriated by paragraph (1) for each of the fiscal years 1996 and 1997, $15,000,000 shall be available only for Cyprus.

"(3) Of the amount authorized to be appropriated by paragraph (1) for fiscal year 1996, $15,000,000 shall be available only for the International Fund for Ireland.

"(4) Of the amount authorized to be appropriated by paragraph (1) for fiscal year 1996, $10,000,000 shall be available only for the rapid development of a prototype industrial park in the Gaza Strip.".

CHAPTER 3—PEACE CORPS

SEC. 2331. PEACE CORPS.

Section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)) is amended to read as follows:

"(b) There are authorized to be appropriated to carry out the purposes of this Act $234,000,000 for each of the fiscal years 1996 and 1997.".

CHAPTER 4—INTERNATIONAL DISASTER ASSISTANCE PROGRAMS

SEC. 2341. INTERNATIONAL DISASTER ASSISTANCE.

Section 492(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2292a) is amended to read as follows:

"(a) There are authorized to be appropriated to the President to carry out section 491, in addition to funds otherwise available for such purposes, $200,000,000 for fiscal year 1996 and $200,000,000 for fiscal year 1997.".

TITLE XXIV—PEACE AND SECURITY IN THE MIDDLE EAST

SEC. 2401. ECONOMIC SUPPORT FUND ASSISTANCE FOR ISRAEL.

(a) MINIMUM ALLOCATION.—Of the amounts made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund) for fiscal years 1996 and 1997, not less than $1,200,000,000 for each such fiscal year shall be available only for Israel.

(b) TERMS OF ASSISTANCE.—The total amount of funds allocated for Israel each fiscal year under subsection (a) shall be made available as a cash transfer on a grant basis. Such transfer shall be made on an expedited basis within 30 days after the beginning of the fiscal year or the date of enactment of the Act appropriating such funds, whichever is later. In exercising the authority of this subsection, the President shall ensure that the level of cash transfer made to Israel does not cause an adverse impact on the total level of nonmilitary exports from the United States to Israel.

SEC. 2402. FOREIGN MILITARY FINANCING FOR ISRAEL.

(a) MINIMUM ALLOCATION.—Of the amounts made available for fiscal years 1996 and 1997 for assistance under the "Foreign Military Financing Program" account under section 23 of the Arms Export Control Act (22 U.S.C. 2763), not less than $1,800,000,000 for each such fiscal year shall be available only for Israel.

(b) TERMS OF ASSISTANCE.—

(1) GRANT BASIS.—The assistance provided for Israel for each fiscal year under subsection (a) shall be provided on a grant basis.

(2) EXPEDITED DISBURSEMENT.—Such assistance shall be disbursed—

(A) with respect to fiscal year 1996, not later than 30 days after the date of the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996, or by October 31, 1995, whichever is later; and

(B) with respect to fiscal year 1997, not later than 30 days after the date of the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, or by October 31, 1996, whichever is later.

(3) ADVANCED WEAPONS SYSTEMS.—To the extent that the Government of Israel requests that funds be used for such purposes, funds described in subsection (a) shall, as agreed by the Government of Israel and the Government of the United States, be available for advanced weapons systems, of which not less than $475,000,000 for each fiscal year shall be available only for procurement in Israel of defense articles and defense services, including research and development.

SEC. 2403. ECONOMIC SUPPORT FUND ASSISTANCE FOR EGYPT.

Of the amounts made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund) for fiscal years 1996 and 1997, not less than $815,000,000 for each such fiscal year shall be available only for Egypt.

SEC. 2404. FOREIGN MILITARY FINANCING FOR EGYPT.

(a) MINIMUM ALLOCATION.—Of the amounts made available for fiscal years 1996 and 1997 for assistance under the "Foreign Military Financing Program" account under section 23 of the Arms Export Control Act (22 U.S.C. 2763), not less than $1,300,000,000 for each such fiscal year shall be available only for Egypt.

(b) TERMS OF ASSISTANCE.—The assistance provided for Egypt for each fiscal year under subsection (a) shall be provided on a grant basis.

TITLE XXV—INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 2501. VOLUNTARY CONTRIBUTIONS; UNITED NATIONS CHILDREN'S FUND.

Section 302(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2222(a)) is amended to read as follows:

"(a)(1) There are authorized to be appropriated to the President, in addition to funds otherwise available for such purpose, $225,000,000 for fiscal year 1996, and $225,000,000 for fiscal year 1997, for voluntary contributions under this chapter to international organizations and programs, of which amounts not less than $103,000,000 for each fiscal year shall be available only for the United Nations Children's Fund (UNICEF).

"(2) Funds appropriated pursuant to paragraph (1) are authorized to remain available until expended.".

SEC. 2502. REPLENISHMENT OF THE ASIAN DEVELOPMENT BANK.

The Asian Development Bank Act (22 U.S.C. 285-285aa) is amended by adding at the end the following new section:

"SEC. 31. FOURTH REPLENISHMENT.

"(a) SUBSCRIPTION AUTHORITY.—

"(1) IN GENERAL.—The United States Governor of the Bank may, on behalf of the United States, subscribe to 276,105 shares of the increase in the capital stock of the Bank—

"(A) 5,522 of which shall be shares of paid-in capital stock; and

"(B) 270,583 of which shall be shares of callable capital stock.

"(2) SUBJECT TO APPROPRIATIONS.—The authority provided by paragraph (1) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

"(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For the subscription authorized by subsection (a), there are authorized to be appropriated to the Secretary of the Treasury $13,320,000 for each of the fiscal years 1996 and 1997.".

TITLE XXVI—EFFECTIVE DATE

SEC. 2601. EFFECTIVE DATE.

Except as otherwise provided, this division, and the amendments made by this division, shall take effect on October 1, 1995.

Mr. KERRY. I understand the pending business is the Dole amendment.

The PRESIDING OFFICER. The Helms amendment is now pending.

Mr. KERRY. I ask unanimous consent that the Helms amendment be temporarily set aside.

Mr. HELMS. Mr. President, I call for regular order. That will do it.

The PRESIDING OFFICER. The call for regular order is heard.

AMENDMENT NO. 2032 TO AMENDMENT NO. 2025

(Purpose: To express the sense of the Senate regarding the arrest of Harry Wu by the Government of the People's Republic of China)

Mr. KERRY. Mr. President, I send a perfecting amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] for Mrs. BOXER, for herself and Mrs. FEINSTEIN, proposes an amendment numbered 2032 to amendment No. 2025.

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

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

The amendment is as follows:

Strike all page 1, line 6, through page 2, line 23, and insert the following new section.

(a) The Senate finds that—

(1) Peter H. Wu, known as Harry Wu, attempted to enter the People's Republic of China on June 19, 1995;

(2) Harry Wu, a 58-year-old American citizen, was traveling on a valid United States passport and a valid visa issued by the Chinese authorities;

(3) the Chinese Foreign Ministry notified the United States Embassy in Beijing of Harry Wu's detention on Friday, June 23;

(4) the United States Embassy in Beijing approached the Chinese Foreign Ministry on Monday, June 26, to issue an official demarche for the detention of an American citizen;

(5) the terms of the United States-People's Republic of China Consular Convention on February 19, 1982, require that United States Government officials shall be accorded access to a detained American citizen as soon as possible, but not more than 48 hours after the United States has been notified of such detention;

(6) on June 28, the highest ranking representative of the People's Republic of China in the United States refused to offer the United States Government any information on Harry Wu's whereabouts or the charges brought against him;

(7) by denying consular officials access to Harry Wu, the Government of the People's Republic of China violated the terms of its Consular Convention;

(8) on July 8, the People's Republic of China formally charged Harry Wu, with espionage, which is a capital crime;

(9) Harry Wu, who was born in China, has already spent 19 years in Chinese prisons;

(10) Harry Wu has dedicated his life to the betterment of the human rights situation in the People's Republic of China;

(11) Harry Wu first detailed to the United States Congress the practice of using prison labor to produce products for export from China to other countries;

(12) Harry Wu testified before the Committee on Foreign Relations of the Senate on May 4, 1995, informing the Committee, the Senate, and the American people about human rights abuses in Chinese prisons;

(13) on June 2, 1995, the President of the United States announced his determination that further extension of the waiver authority granted by section 402(c) of the Trade Act of 1974 (Public Law 93-618; 88 Stat. 1978), also known as "Jackson-Vanik", will substantially promote freedom of emigration from the People's Republic of China;

(14) this waiver authority will allow the People's Republic of China to receive the lowest tariff rates possible, also known as Most-Favored-Nation trading status, for a period of 12 months beginning on July 4, 1995;

(15) the Chinese government and people benefit substantially from the continuation of such trading benefits;

(b) The Senate condemns the arrest of Harry Wu, urges his immediate return, and expresses deep concern for his well being.

(c) It is the sense of the Senate that—

(1) the People's Republic of China must comply with its commitments under the United States-People's Republic of China Consular Convention of February 19, 1982;

(2) the President of the United States should use every diplomatic means available to ensure Harry Wu's safe and expeditious return to the United States;

(3) United States citizens who are participants in the United Nations Fourth World Conference on Women should strongly urge the release of Harry Wu at every appropriate public and private opportunity.

AMENDMENT NO. 2033

(Purpose: To express the sense of Congress on the United Nations Fourth World Conference on Women, to be held in Beijing, China)

Mrs. HUTCHISON. Mr. President, I offer an amendment and send it to the desk for immediate consideration.

The PRESIDING OFFICER. The Senator is asking that the pending amendment be set aside?

Mrs. HUTCHISON. Mr. President, that is correct.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself and Mr GRAMM, Mr. COATS, Mr. HELMS, Mr. GRAMS, Mr. SMITH, Mr. KEMPTHORNE, Mr. INHOFE, Mr. LOTT, Mr. NICKLES, and Mr. DEWINE, proposes an amendment numbered 2033.

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

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

The amendment is as follows:

On page 91, between lines 4 and 5, insert the following new section:

SEC. 319. SENSE OF CONGRESS ON UNITED NATIONS FOURTH WORLD CONFERENCE ON WOMEN IN BEIJING, CHINA.

It is the sense of the Congress that—

(1) the United Nations Fourth World Conference on Women in Beijing, China, should promote a representative American perspective on issues of equality, peace, and development; and

(2) in the event the United States sends a delegation to the Conference, the United States delegation should use the voice and vote of the United States—

(A) to ensure that the biological and social activity of motherhood is recognized as a valuable and worthwhile endeavor that should in no way, in its form or actions, be demeaned by society or by the state;

(B) to ensure that the traditional family is upheld as a fundamental unit of society upon which healthy cultures are built and, therefore, receives esteem and protection by society and the state; and

(C) to define or agree with any definitions that define gender as the biological classification of male and female, which are the two sexes of the human being.

Mrs. HUTCHISON. Mr. President, my amendment would express the sense of the Senate that the participation of the U.S. delegation to the upcoming U.N. Fourth World Conference on Women should reflect the American perspective on the value of families.

My amendment is simple and straightforward. It puts the Congress on record that the U.S. delegates should advocate the importance of family as the fundamental unit of our society.

Mr. President, most Americans would be surprised to learn that there is any reason for the Congress to take this step. However, some conference delegates from other nations apparently have views that depart significantly from the mainstream and have said they may seek to have them ratified during the conference. Americans are attending the conference. It should be as representatives of our American values.

Much has been said on the floor of this Chamber in recent months about the importance of families and the vital role they play to ensure the well-being of our children in our society.

Increased violent juvenile crime, high teen pregnancy rates, drug use, and educational failure are painful realities.

In attempting to address these terrible problems, this Congress and our Nation have come to a common understanding, one that cuts across all political and social lines, that strengthening families is the single most crucial factor. We must do that if we are going to have an impact on the problems that our society faces.

Mr. President, one of the cosponsors of my amendment is on the floor. I ask if the Senator would like me to yield for him to say why he is a cosponsor of this amendment and why he thinks this is very important.

Mr. DOLE. Will the Senator yield?

Mr. COATS. I am happy to yield, and I thank the Senator from Texas, and am happy to yield to the majority leader.

Mr. DOLE. After this discussion, we will have morning business and there will be no additional action on this bill tonight.

Mr. COATS. Mr. President, We have all become accustomed to the plethora of international conferences held by the United Nations. We tend to think of them as rather benign discussions about ideals. I have grave concerns, however, about the U.S. acquiescing to overreaching policy goals which could alter American culture. The Beijing Conference on the Status of Women has these aims. Months of preliminary meetings have produced a draft document which conflicts with the views of most Americans and is silent on the unique role of women as mothers.

I hope that passage of this amendment will signal the United Nations and the administration that the Senate rejects the current language and the current approach. The goals do not seek to understand and respect women's roles all over the world, but rather promote a particular political ideology of women.

The amendment which is being offered by the Senator from Texas reasserts what I believe the entire Senate and what the vast majority of Americans wish to reassert, regarding the role of mothers and the role of traditional families.

It is hard to imagine how a document about the status of women could fail to even mention their roles as mothers. In fact one country had the reference to "mother" replaced with "caretaker". And "family" with "household". References to fathers are made only in the negative terms of violence and abuse of wives and daughters. Likewise, the document fails to acknowledge the critical role of fathers in parenting and teaching their children by daily example to respect women and hold them in

esteem. There was no attempt to discuss the importance of families in nurturing children and raising them to become responsible citizens.

Some of the conference participants seem intent on dramatically altering the traditional view that the family structure is headed by a married man and woman. Demanding complete equality for men and women at home, denies basic biology and trivializes women as mothers.

Senator HUTCHISON's amendment asserts the traditional family is the fundamental unit of society upon which healthy cultures are built and therefore the traditional family should receive both the esteem and the protection by society and the state. Traditional family has long been recognized as the fundamental foundation, building block for this successful society.

There have been attempts over the past several years to undermine the role of the traditional family. I think those attempts have fortunately failed because Americans, by strong majority, believe that traditional family role should be upheld and promoted wherever possible, and not undermined. Experience shows us—today particularly, with the declining social culture and problems that exist throughout society with young people—the destructive nature of broken families and the impact that has had on our social system, the incidence of juvenile delinquency, the incidence of crime, the incidence of teenage pregnancy, of substance abuse, of teenage suicides, of breakdown in the moral fiber of our young people and in our society because of the breakdown of the traditional family.

While gender is used 216 times in a 121 page document, it is never defined. When several delegates sought to define gender, their efforts were rebuffed. Behind the scenes, it became evident that the meaning of gender had been expanded to include not just male and female, but transsexual, bisexual and homosexual.

A statement released by the UN Secretary General's office attempting to clarify some of this controversy only fuels it. It asserts that "sex and equality are absolute concepts" and "a person is born male or female and this is an unchangeable attribute." Strangely, however, the Secretary General goes on to say that

> Gender is also a relative concept. Although many people use the term gender interchangeably with sex, the two terms are quite different. Gender refers to the relationships between women and men based on socially defined roles that are assigned to one sex or the other . . . because the roles change, gender is relative.

I wonder how many Americans consider "gender" to be relative. The definition of gender is sex, that is male or female, period. The General Secretariat statement deliberately confuses roles of men and women with their identities as men and women. Clearly, both sexes can serve with equal skill and dexterity in many roles in our society. However, there are other roles—such as motherhood and fatherhood—which remain distinct. We should reject outright any attempt to promote a political agenda based on a concept of gender which is alien to most Americans.

The document makes clear the viewpoint that gender roles are all socially constructed. There are no differences between the sexes. Empowerment and advancement of women can only come when governments take action to ensure that men and women are completely equal in all aspects of life.

Other gender statements in the draft document clearly promote this position. The conference goals would require gender sensitivity at all levels of society with direct government involvement. Education must have "gender awareness" Employers must have gender instruction. All governments must develop gender sensitive programs to quote "end social subordination of women and girls".

Furthermore, the eighty-one calls in the document for "gender equality" would make 50–50 male-female quotas a requirement for employment and to receive funding. President Clinton's commitment to make the final product of the conference a reality make this far more than a theoretical discussion of policy aims. The ultimate effect of implementing the document will be government dictating radical cultural changes to the American people.

Senator HUTCHISON's amendment would ensure that gender be limited to only male and female.

I am also deeply concerned that the document neglects to acknowledge freedom of conscience or of religion. Instead, references to religion are cited as a source of repression for women. The one mention of women's spiritual needs has been bracketed—meaning subject to deletion in Beijing. The document does not call for religious freedom for women as you might expect. In fact, the entire process of preparing for Beijing seems determined to deny this fundamental right.

A number of courageous delegates from other countries were distressed that their attempts to add and change language to reflect their views were met with contempt. These women have expressed deep reservations about proposals for social change would be contrary to the religious views of the citizens of the nations they represented.

Mr. President, earlier Senator DOLE introduced an amendment which would cut international conference funds to participate in the Beijing conference unless Harry Wu were released. I applaud his amendment. It reminds us that there are larger issues which are at stake. Basic human rights are being denied to U.S. citizen Harry Wu, as they are denied to thousands of Chinese.

I frankly find the selection of Beijing as host of this conference the ultimate act of hypocrisy. While delegations from hundreds of countries discuss issues of concern to women, Chinese officials brutally and cruelly force women to have abortions and be sterilized to enforce a one child per family policy. Our message to Chinese women should be that Americans find such acts abhorrent. Rather, our official participation at Beijing signals them that we are not concerned about these violent acts.

Diane Knippers, of the Project on Religion and Democracy, stated:

> One of the more serious omissions in the draft Platform is any acknowledgement of freedom of conscience or religion of women. Throughout the document, religion is cited as a source of repression of women. . . . But nowhere in the 121 pages does the document call for the religious freedom for women. . . . We believe that women should have the right to engage in religious practice, to change their religion and to propagate their religious faith, particularly to their children. . . . It is outrageous that this conference on women's rights is being held in a country which currently imprisons women for practicing their faith and forces many to have abortions.

I strongly support Senator HUTCHISON's amendment. It is essential for the rest of the world to know that Americans continue to value women in their roles of mothers, and that we believe that the traditional family is an important element to maintain a strong and healthy culture.

Several Senators addressed the Chair.

Mr. DOLE. Has the Senator from Texas finished?

Mrs. HUTCHISON. I had about 2 more minutes.

Mr. DOLE. The Senator from Texas had the floor, so I will yield the floor and then I will ask for the floor on the completion of her remarks.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I will just finish. I think the Senator from Indiana said very well exactly what this amendment would do. It expresses a sense of the Senate that our delegates from America should represent our American values, and the importance that we place on the family and on the role of motherhood. I think it is very important that we recognize that we have new experiences available, new opportunities for women that have come along in the last few years. But these continuing changes in our society have never diminished the unique and important value of maternal care-giving. And our amendment just says very clearly that, if we have delegates to this conference, they should express these views.

I hope our colleagues will agree to this amendment. It is a sense of the Senate. I think it is very simple and straightforward. It really is the motherhood amendment, and I hope no one would choose to vote against it.

The PRESIDING OFFICER. The distinguished Republican leader.

CLOTURE MOTION

Mr. DOLE. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 908, the State Department Reorganization bill.

Bob Dole, Jesse Helms, John McCain, Fred Thompson, Olympia Snowe, Jim Inhofe, Lauch Faircloth, Spence Abraham, Trent Lott, Strom Thurmond, Larry E. Craig, Don Nickles, Mitch McConnell, Bob Smith, John Ashcroft, Nancy Landon Kassebaum.

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

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

MESSAGES FROM THE HOUSE

At 3:01 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1103. An act entitled, "Amendments to the Perishable Agricultural Commodities Act, 1930."

At 4:27 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2017. An act to authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 1103. An act entitled, "Amendments to the Perishable Agricultural Commodities Act, 1930"; to the Committee on Agriculture, Nutrition, and Forestry.

MEASURES PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 2017. An act to authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996, and for other purposes.

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. BIDEN:

S. 1094. A bill to amend the Federal Rules of Evidence relating to character evidence in sexual misconduct cases, and for other purposes; to the Committee on the Judiciary.

By Mr. MOYNIHAN: (for himself, Mr. ROTH, Mrs. MURRAY, Mr. BAUCUS, Mr. D'AMATO, Mr. GRASSLEY, Mr. BREAUX, Mr. HATCH, and Mr. PRYOR):

S. 1095. A bill to amend the Internal Revenue Code of 1986 to extend permanently the exclusion for educational assistance provided by employers to employees; to the Committee on Finance.

By Mr. D'AMATO:

S. 1096. A bill to amend the Immigration and Nationality Act to provide that members of Hamas (commonly known as the Islamic Resistance Movement) be considered to be engaged in a terrorist activity and ineligible to receive visas and excluded from admission into the United States; to the Committee on the Judiciary.

By Mr. HATFIELD (for himself and Mr. PACKWOOD):

S. 1097. A bill to designate the Federal building located at 1550 Dewey Avenue, Baker City, Oregon, as the "David J. Wheeler Federal Building", and for other purposes; to the Committee on Environment and Public Works.

By Mr. HELMS (for himself and Mr. DOLE):

S. 1098. A bill to establish the Midway Islands as a National Memorial, and for other purposes; to the Committee on Armed Services.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN:

S. 1094. A bill to amend the Federal Rules of Evidence relating to character evidence in sexual misconduct cases, and for other purposes; to the Committee on the Judiciary.

RULE OF EVIDENCE LEGISLATION

Mr. BIDEN. Mr. President, I am introducing a bill today that I do not much like. It involves the so-called Dole-Molinari rules of evidence which the Congress included last year in the 1994 crime law. This provision made a radical change in the Federal Rules of Evidence. It took the unprecedented—and in my mind absolutely unwise and unwarranted—step of allowing unproven allegations of prior crimes to be used against a defendant at trial.

These new rules—which apply in sexual assault and child molestation cases—were added to the crime law over my strenuous objections. My objections were twofold, one substantive and one procedural. I will detail what I believe are the serious substantive problems with the new rules in a moment. First, I must point out that the way these rules were adopted by the Congress contravenes—indeed flaunts—the procedures we have used, with certain modifications, since 1948 for making alterations in the Federal rules.

I am talking about the Rules Enabling Act. That act allows for a thoughtful, inclusive process for considering any changes to the Federal Rules of Evidence—rules which have been on the books for many, many years and which have been relied upon by judges and litigants in countless cases. The Enabling Act process gives the Judicial Conference of the United States, the organization of America's Federal judges, and, ultimately, the Supreme Court a first cut at any proposed changes. The conference, through its various committees, solicits the views of judges, lawyers, and academics who have studied the rules, worked with the rules, and identified any problems with them. The process ensures that the public is given the chance to comment about proposed changes, and guarantees that these comments be considered by the rulemakers.

It is at that point—after the careful, detailed and encompassing review and drafting efforts of the conference—that the U.S. Supreme Court makes recommendations to the Congress for our acceptance or modification. This mechanism is designed to head off unwarranted changes and avoid unintended consequences. And it ensures that decisions about changes in the rules are made in a deliberative, cool-headed way, rather than in the heat of a political moment. Passing as we did the Dole-Molinari rules last year—in a whirlwind rush to bring crime bill negotiations to a close—we thumbed our noses at this most important and worthy process.

I did succeed in structuring the rule change in the crime law to ensure that we would have the benefit of the Judiciary's view, albeit after the fact. The provision was drafted to delay the implementation of the rules to allow the Judicial Conference to weigh in on the issue. This is how it works: The Dole-Molinari rules will go into effect unless we in the Congress repeal them outright or adopt the Judicial Conference recommendations.

I, for one, would prefer a complete repeal. And, I may point out, the Judicial Conference agrees with me. The Judicial Conference itself unanimously voted to oppose the new rules. They have called on us to reconsider our actions and change our minds. They, too, favor a repeal. But they are also pragmatic. So they have sent over a proposal—a most modest of proposals, in my view—to make the rules clearer, cleaner, and a little bit fairer. I am pragmatic as well, and I know that I

stand no chance of having the rules repealed, so I am introducing the Judicial Conference recommendations today.

But before we discuss these modest recommendations, I would like to take a minute to talk about the Dole-Molinari rules, and why I believe they are such a bad idea. Here is the way these rules will work. A defendant is on trial for sexual assault. He claims he did not do it. He says that the complaining witness has fingered the wrong man. Under the Dole-Molinari rules, the prosecutor in this case will be able to go out and rummage around for any witness who will testify that, some long and blurry time ago, the defendant was sexually aggressive toward her.

It will not matter that this alleged prior event happened some 20 years ago. It won't matter that the woman never reported the incident to the police. It will not matter that the defendant was never charged or convicted of the crime. It won't matter that the evidence is highly unreliable.

No, none of that will matter. The only thing that will matter to the jury, when it hears this sort of evidence, is that this guy is bad news. And the jury will be able to make the following leap of logic: "Well, since he did it once, he probably did it again." Jurors will also be able to say to themselves something like this: "I'm not so sure he committed this particular crime that he's now charged with. But he's a bad guy—he hurt that other women, so it's OK for me to convict him today—he has it coming."

But wait a minute. It is a cardinal tenet of Anglo-Saxon criminal jurisprudence that the prosecution must prove that the accused committed the specific crime for which he now stands accused—not some other bad act and not merely that he is a lousy or wicked person. Or put another way: an accused must be tried for what he did—not for who he is.

Over 100 years ago, the Supreme Court in the case of Boyd versus United States, underscored the importance of the rule against character or propensity evidence. In that robbery case, the court said that evidence of earlier robberies—

> Only tended to prejudice the defendants with the jurors—to draw their minds away from the real issue, and to produce the impression that they were wretches whose lives were of no value to the community.

Let us be honest about this. The whole point of these new rules is to increase the number of convictions in sexual assault and child abuse cases. And I believe, without a doubt, that they will do just that. But at the risk of stating what should be obvious: More convictions are not necessarily a good thing. What we want is more convictions of the guilty. If any of those who are convicted under the new rules are actually innocent—and I believe that this is precisely the danger at hand—there is cause only for horror, not celebration.

As Professor Wigmore—one of the preeminent evidence gurus of all time—has said about this sort of evidence: It is the natural tendency of the jury to give the evidence excessive weight—and either to allow it to bear too strongly on the present charge, or to see it as justifying a condemnation, irrespective of the accused's guilt of the present charge. This type of evidence has less to do—in my view—with the search for the truth, than with a blind desire for vengeance.

Now remember, I'm the guy who authored the Violence Against Women Act. It has been my crusade for the past 4 years to have violence against women taken seriously. I have increased the penalties for rape. I have talked to anyone who will listen about the epidemic of violence against women, and about our obligation—our urgent obligation—to put a stop to it now. I devoted an entire Judiciary Committee report to how the criminal justice system is not aggressive enough in its pursuit of rapists and other criminals who make women their targets. I, too, want to see more rapists and child abusers put behind bars. But not at the price of fairness. And not at the expense of what we know in our hearts to be right and just.

And let me clear up one more matter. Evidence of prior uncharged crimes is admitted into evidence frequently. But it is admitted for a legitimate purpose—to help prove, for instance, a pattern of conduct, preparation, identity, plan, intent, or purpose. What we're talking about here is admitting evidence for what in my view—and which for hundreds of years has been considered—a patently illegitimate purpose.

But that's where we are. And the bill I'm introducing today—the Judicial Conference recommendations—doesn't change that. Like the Dole-Molinari rules, the Judicial Conference proposal makes a dramatic aboutface from current practice—and allows for the introduction of propensity or character evidence in sexual assault and child molestation cases.

But the Judicial Conference did make a few very modest changes—which the conference itself describes only as correcting ambiguities and possible constitutional infirmities while still giving effect to Congress' intent. Indeed, this proposal is so modest—and is so in keeping with the intent of the original rules' sponsors—that I will be very interested to hear what possible substantive objections anyone could have about them.

Here are the changes proposed by the Judicial Conference:

The proposal makes it clear that the rules are subject to the other Rules of Evidence. This is totally unremarkable. As everyone knows, all evidence introduced under a particular rule is subject to the other rules—like the rule against hearsay, and the rules allowing judges to balance the prejudicial impact of evidence against its probative value.

What is remarkable is that the Dole-Molinari rules were drafted in such a way as to seem mandatory—they could be read to require a judge to admit the evidence, regardless of whether its prejudice outweighs its probative value, and regardless of whether any other rule would be violated.

That would be wholly unprecedented. The rewrite simply makes it clear that these new rules will work just like all the others. And let me add: The sponsors of the new rules have consistently maintained that the rules are not meant to be mandatory rules of admission, and that the general standards of the Rules of Evidence will apply. This proposal by the Judicial Conference simply makes clear what the sponsors of the rules have forthrightly said is their intention.

The proposal itemizes the different factors that a judge should weigh in deciding whether to admit the evidence. Again, this is an unremarkable idea. It merely gives judges, who are having to completely change how they look at this evidence, some guidance.

It tells them: When you're deciding what to do about this evidence, here are some signposts to consider—like when the uncharged act took place; its similarity to the charged misconduct; the surrounding circumstances; and any relevant intervening events. Again, there is nothing in this idea—simply to give judges some guidance—which would rub against the grain of the sponsors' intentions.

The Judicial Conference proposal would also allow the defendant to use similar evidence in rebuttal. The Dole-Molinari rules, as currently drafted, are unbalanced: under the rules, a defendant can't, in rebuttal, use prior specific instances of conduct to prove that he did not have a propensity to commit the charged crime.

Say, for example, a child testifies under the new rule that his father, the defendant, sexually assaulted him 5 years ago. The father can't put his other kids on the stand to say that he had not assaulted them—to help show that he does not have a propensity to assault children. The Judicial Conference proposal simply gives the defendant the same evidentiary rights as the prosecution.

The Judicial Conference proposal also makes a number of small minor changes. It consolidates the new rules into one—this is simply a clearer, cleaner drafting approach. The proposal also streamlines the definitions—without making any substantive changes—and makes the notice provisions a bit more flexible, and more in

keeping with other notice and discovery provisions elsewhere in the rules.

As is by now clear, this is a very unassuming proposal. It allows for the introduction of propensity evidence. It doesn't require that the prior bad act have resulted in a conviction, or even that it has been the subject of a complaint or charge. It doesn't even require that the evidence of the prior uncharged act be particularly reliable.

In fact, had this rule been proposed last year, I would have opposed it. I would have opposed it because I believe that propensity or character evidence should not be admitted into trial. Period. But I can count. And I know that I'm nearly alone on this one. That is why I am introducing this bill—the Judicial Conference recommendations—which only make a handful of modest, but important changes to make the bill clearer and a little bit fairer. I urge my colleagues to support this measure.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 1094

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHARACTER EVIDENCE IN SEXUAL MISCONDUCT CASES.

(a) IN GENERAL.—(1) Rule 404(a) of the Federal Rules of Evidence is amended by adding at the end thereof the following:

"(4) CHARACTER IN SEXUAL MISCONDUCT CASES.—(A) Evidence of another act of sexual assault or child molestation, or evidence to rebut such proof or an inference therefrom, if that evidence is otherwise admissible under these rules, in a criminal case in which the accused is charged with sexual assault or child molestation, or in a civil case in which a claim is predicated on a party's alleged commission of sexual assault or child molestation.

"(B) In weighing the probative value of such evidence, the court may, as part of its rule 403 determination, consider—

"(i) proximity in time to the charged or predicate misconduct;

"(ii) similarity to the charged or predicate misconduct;

"(iii) frequency of the other acts;

"(iv) surrounding circumstances;

"(v) relevant intervening events; and

"(vi) other relevant similarities or differences.

"(C) In a criminal case in which the prosecution intends to offer evidence under this subdivision, it must disclose the evidence, including statements of witnesses or a summary of the substance of any testimony, at a reasonable time in advance of trial, or during trial if the court excuses pretrial notice on good cause shown.

"(D) For purposes of this subdivision—

"(i) 'sexual assault' means conduct, or an attempt or conspiracy to engage in conduct, of the type proscribed by chapter 109A of title 18, United States Code, or conduct that involved deriving sexual pleasure or gratification from inflicting death, bodily injury, or physical pain on another person irrespective of the age of the victim, regardless of whether that conduct would have subjected the actor to Federal jurisdiction; and

"(ii) 'child molestation' means conduct, or an attempt or conspiracy to engage in conduct, of the type proscribed by chapter 110 of title 18, United States Code, or conduct, committed in relation to a child below the age of 14 years, either of the type proscribed by chapter 109A of title 18, United States Code, or that involved deriving sexual pleasure or gratification from inflicting death, bodily injury, or physical pain on another person, regardless of whether that conduct would have subjected the actor to Federal jurisdiction.".

(2) The first sentence of rule 404(b) of the Federal Rules of Evidence is amended by inserting "except as provided in subdivision (a)" after "therewith".

(b) METHODS OF PROVING CHARACTER.—Rule 405 of the Federal Rules of Evidence is amended—

(1) in subsection (a) by inserting before the period in the first sentence "except as provided in subdivision (c) of this rule"; and

(2) by adding at the end thereof the following:

"(c) PROOF IN SEXUAL MISCONDUCT CASES.—In a case in which evidence is offered under rule 404(a)(4), proof may be made by specific instances of conduct, testimony as to reputation, or testimony in the form of an opinion, except that the prosecution or claimant may offer reputation or opinion testimony only after the opposing party has offered such testimony.".

By Mr. MOYNIHAN (for himself, Mr. ROTH, Mrs. MURRAY, Mr. BAUCUS, Mr. D'AMATO, Mr. GRASSLEY, Mr. BREAUX, Mr. HATCH, and Mr. PRYOR):

S. 1095. A bill to amend the Internal Revenue Code of 1986 to extend permanently the exclusion for educational assistance provided by employers to employees; to the Committee on Finance.

THE EMPLOYEE EDUCATIONAL ASSISTANCE ACT

Mr. MOYNIHAN. Mr. President, I rise today, on my own behalf and on behalf of Senators ROTH, MURRAY, BAUCUS, D'AMATO, GRASSLEY, BREAUX, HATCH, and PRYOR, to introduce legislation that will reinstate and make permanent the tax exclusion for employer-provided educational assistance under section 127 of the Internal Revenue Code. This bill ensures that employees will be able to continue to receive up to $5,250 annually in tuition reimbursements or similar educational benefits from their employers on a tax-free basis.

First enacted in 1978, section 127 has enabled over 7 million working men and women to advance their education and improve their job skills, without incurring additional income tax liabilities and a reduction in take-home pay. Without this provision, an employee would owe taxes on the value of any educational benefits provided by an employer that do not directly relate to his or her current job. For example, a clerical worker pursuing a college diploma who earns $21,000 annually, and who receives tuition reimbursement for two semesters of night courses—worth approximately $4,000—would owe additional Federal income and payroll taxes of $1,200 on this educational assistance. The effects are even more severe if he or she lives in a State that uses the Federal definition of income for State tax purposes.

It is shortsighted to impose such a tax burden on employees seeking to further their education. For many low- and moderate-income employees, this cut in take-home pay is simply prohibitive, preventing them from enrolling in courses that would upgrade their job skills and improve their future career prospects. Without this investment in our employees' education, the ability of our work force to compete in the global economy erodes. By removing the requirement that educational assistance be job related in order to be tax-free, section 127 eliminates a tax burden on workers seeking to further their education and improve their career prospects.

Moreover, section 127 removes a tax bias against lesser-skilled workers. The tax bias arises because lesser-skilled workers have greater difficulty proving educational expenses are directly related to their current jobs due to their narrower job descriptions. Therefore, absent section 127, such lesser-skilled workers are more likely to owe taxes on employer-provided educational benefits than are higher-skilled, more senior workers.

Congress has never quite found sufficient revenue to enact section 127 on a permanent basis, opting instead for temporary exclusions. Since 1978, there have been 7 extensions of this provision. Most recently, the Omnibus Reconciliation Act of 1993 provided for an extension of section 127 through December 31, 1994. The exclusion has once again expired.

I hope that Congress will recognize the importance of this provision, and enact it permanently. Temporary extensions create great practical difficulties for the intended beneficiaries. Employees cannot plan sensibly for their educational goals, not knowing the extent to which accepting educational assistance may reduce their take-home pay. As for employers, the fits and starts of the legislative history of section 127 have been a serious administrative nuisance. If section 127 is in force, then there is no need to withhold taxes on educational benefits provided; if not, the job-relatedness of the educational assistance must be ascertained, a value assigned, and withholding adjusted accordingly. Uncertainty about the program's continuance magnifies this burden, and discourages employers from providing educational benefits. The legislation that I introduce today would restore certainty to section 127 by extending it retroactively, to the beginning of this year, and then maintaining it on a permanent basis.

Mr. President, my previous efforts to extend this provision have enjoyed

wide, bipartisan support. Encouraging workers to further their education and to improve their job skills is an important national priority, crucial for preserving our competitive position in the global economy. Permitting employees to receive educational assistance on a tax-free basis, without incurring significant cuts in take-home pay, is a demonstrated, cost-effective means for achieving these objectives.

Employee educational assistance is not an extravagant, free benefit for highly paid executives. It largely benefits low- and moderate-income employees seeking access to higher education and further job training. A survey undertaken by Coopers & Lybrand indicated that over 70 percent of recipients of section 127 benefits in 1986 earned less than $30,000. In fact, lower-income employees are more likely to participate in educational assistance programs than those at the higher end of the income scale. Employees making less than $30,000 participate at a much higher rate than those making above that income, and participation rates decline as salary levels increase. Moreover, employees making less than $15,000 participate at almost twice the rate of those who earn over $50,000.

Further, section 127 makes an important contribution to simplicity in the Tax Code. Without it, employers and the IRS would be required to determine, on a case-by-case basis, which employer-provided educational benefits are sufficiently related to the job to avoid treatment as taxable income.

Today, American workers are the most productive in the industrialized and developing world. Yet pressures from international competition and the pace of technological changes require continual adjustment by our work force. Retraining will thus be necessary to maintain and strengthen American industry's competitive position in the global economy. Section 127 permits employees to adapt and retrain without incurring additional tax liabilities and a reduction in take-home pay. By removing the tax burden from workers seeking retraining, section 127 enables employees displaced by foreign competition or technological change to learn new job skills.

Finally, section 127 has also helped to improve the quality of America's public education system, at a fraction of the cost of direct-aid programs. It has enabled thousands of public schoolteachers to obtain advanced degrees, augmenting the quality of instruction in our schools. A survey by the National Education Association a few years ago found that almost half of all American public school systems provide tuition assistance to teachers seeking advanced training and degrees. The Tax Code should not impose obstacles to this kind of shared effort toward improvement. This legislation, by making section 127 permanent, will ensure that it does not.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1095

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT EXTENSION OF EDUCATIONAL ASSISTANCE EXCLUSION.

(a) IN GENERAL.—Section 127 of the Internal Revenue Code of 1986 (relating to exclusion for educational assistance programs) is amended by striking subsection (d) and by redesignating subsection (e) as subsection (d).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1994.

Mr. ROTH. Mr. President, we've all heard the axiom that the cultivation of the mind is the secret to a happy and productive life. Education not only provides untold benefits to the individual, but to society as a whole. In fact, the worth of education is increasing.

In 1980, a male college graduate made about 30 percent more than a male high school graduate. By 1988, he made about 60 percent more. In just 8 years, the premium for a college degree doubled—in comparison with a high school diploma.

On a social level, education is fundamental to the future well-being and competitiveness of America. Not only are well-educated men and women able to make greater contributions to our economy, but they make unquantifiable contributions to business, academia, and agriculture, as well as to our technical and communications resources.

The irony, Mr. President, is that while the value of higher education is increasing, the confidence of Americans to receive a higher education is declining. Polls shows that our countrymen are less and less optimistic about their ability to receive higher education. A full 55 percent think paying for college is more difficult now that it was 10 years ago, and 66 percent say it will be even more difficult 10 years now. Sixty percent believe even qualified people can't afford college.

The solution? Eighty percent of those polled say the best solution is to have financial support provided through work opportunities. This compares to 43 percent who call for more direct grants to students and even 62 percent for those who want more money for student loans.

The legislation I am cosponsoring today with Senator MOYNIHAN, is a welcomed and needed measure to encourage and assist employers to provide educational opportunities for their employees. What we seek to do with this legislation is permanently extend the exclusion for employer provided educational assistance. The exclusion, section 127, expired on December 31, 1994—7 months ago—and unless it is extended, employees will be taxed on their education benefits. They will owe both Federal and FICA taxes on the assistance they have received.

Mr. President, section 127 is legislation that has been approved before. We know that it is needed—that it is important. Congress has passed it in an effort to increase the participation of employers in assisting in the education of their employees. Under previous congressional action, tax-free benefits were made available for employees who wanted to improve their knowledge and skill in job-related studies. Beyond this, the law also allowed employees to participate in other studies. The only exclusions involved education in sports, games and hobbies, unless those studies were directly associated with their employment needs or were part of an overall degree program.

Congress has already established the need for section 127 and provided the legislation. What Senator MOYNIHAN and I are doing now is simply making it permanent. Our bill will allow employees to permanently receive up to $5,250 annually in undergraduate tuition or similar educational benefits from their employers on a tax-free basis. It will be effective retroactively, going back to January 1, 1995—thus taking care of the 7 months that have lapsed since section 127 expired.

I encourage my colleagues to join Senator MOYNIHAN and me in passing this bill, reminding them of the importance of education as it pertains to the future of America. As Daniel Webster said when he stood on the Senate floor many years ago:

> If we work marble, it will perish; if we work upon brass, time will efface it; if we rear temples, they will crumble into dust; but if we work upon immortal minds . . . we are then engraving upon tablets which no time will efface, but will brighten and brighten to all eternity.

By Mr. D'AMATO:

S. 1096. A bill to amend the Immigration and Nationality Act to provide that members of Hamas (commonly known as the Islamic Resistance Movement) be considered to be engaged in a terrorist activity and ineligible to receive visas and excluded from admission into the United States; to the Committee on the Judiciary.

THE HAMAS EXCLUSION ACT OF 1995

• Mr. D'AMATO. Mr. President, I introduce the Hamas Exclusion Act of 1995. This bill was introduced in 1993, in conjunction with Representative PETER DEUTSCH in the House. I am introducing it again this year because of Hamas' continued role in disruption of the peace process as well as the recent detention of Mousa Mohamed Abu Marzook at JFK Airport in New York.

Hamas continues to use terrorism as a tool to disrupt the peace process. In doing so, it continues to kill innocent

Israelis without concern for life. Between April 1994 and July 1995, Hamas has conducted at least 8 suicide bombings against Israeli targets, killing at least 52 people. This is murder plain and simple.

When U.S. immigration officials detained Marzook at JFK last week, they detained a man who held a place on the U.S. terrorism watchlist and according to the INS, is an "excludable alien based on his participation in terrorist activities."

I applaud President Clinton's recent actions against terrorism, especially his Executive orders against terrorist fundraising in the United States and the total embargo on trade with Iran for which I pushed. This latest action signals that the United States can no longer act as a haven for those who belong to terrorist organizations whose only wish is to kill and maim.

My bill is simple. It states that an alien who is an officer, official, representative, or spokesman of Hamas, is considered to be engaged in terrorist activity and therefore eligible to be excludable under the immigration statutes.

There can be no toleration of the actions of Hamas and groups like it, nor can we allow these groups to operate in the United States. While this bill is not the panacea, it will act to keep one group out. I urge my colleagues to join me in sending this strong message by cosponsoring this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1096

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TERRORIST ACTIVITIES.

Section 212(a)(3)(B)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(i)) is amended by adding at the end "An alien who is an officer, official, representative, or spokesman of Hamas (commonly known as the Islamic Resistance Movement) is considered, for purposes of this Act, to be engaged in a terrorist activity.".●

By Mr. HATFIELD (for himself and Mr. PACKWOOD):

S. 1097. A bill to designate the Federal building located at 1550 Dewey Avenue, Baker City, OR, as the "David J. Wheeler Federal Building," and for other purposes; to the Committee on Environment and Public Works.

THE DAVID J. WHEELER FEDERAL BUILDING ACT OF 1995

Mr. HATFIELD. Mr. President, it is my honor to propose the designation of the Federal building in Baker City, OR, as the David J. Wheeler Federal Building.

Mr. David J. Wheeler was an outstanding citizen until his life came to a tragic end on April 26, 1995. Mr. Wheeler, a U.S. Forest Service engineer working the Wallowa-Whitman National Forest, was brutally murdered by two juveniles while on assignment in the Payette National Forest in Idaho. Mr. Wheeler's death has had a tremendous impact on the entire community in Baker City because he was an active civic leader involved in and committed to his hometown.

A true altruist, Mr. Wheeler was a member of the Baker City Rotary Club and was the president-elect at the time of his death. Mr. Wheeler volunteered as a coach at the local YMCA. In 1994 the Baker County Chamber of Commerce selected Mr. Wheeler as the Baker County Father of the Year. These honors are a clear illustration of the model citizen Mr. Wheeler was in his community.

The Federal building in Baker City is currently unnamed and houses the U.S. Post Office, Bureau of Land Management, and the U.S. Forest Service. To designate this building as the David J. Wheeler Federal Building is a tribute to an extraordinary American and will commemorate the contributions Mr. Wheeler selflessly provided to his community.

Mr. PACKWOOD. Mr. President, on April 26 of this year, the life of my fellow Oregonian, David Jack Wheeler, was snuffed out. He was murdered while working in the Wallowa-Whitman forest that he loved. David was an employee of the U.S. Forest Service, and he was an exemplary citizen of Baker City, OR. David was well-regarded in the community of Baker City because he was one of those individuals who didn't stop at just holding down a job and caring for a family. He gave back to his community. David worked to provide access for everyone to recreational and administrative facilities within the forest. He was a mentor and counselor to his coworkers. Because of this his community, friends, family, and employer would like to honor him by designating the Federal building located in Baker City as the David J. Wheeler Federal Building. I agree with these good people in this effort and so have sponsored a bill to make this happen. Folks in Baker City are right to honor David in this way. He gave so much to his community and this is a small thing to ask in return.

By Mr. HELMS (for himself and Mr. DOLE):

S. 1098. A bill to establish the Midway Islands as a National Memorial, and for other purposes; to the Committee on Armed Services.

THE BATTLE OF MIDWAY NATIONAL MEMORIAL ACT

Mr. HELMS. Mr. President, in less than a month, ceremonies in Hawaii will commemorate the United States victory over Japan and the end of World War II. The American people were devastated by the December 7, 1941, Japanese surprise attack on Pearl Harbor—undoubtedly, one of the most disastrous defeats in United States history. Victory at the Battle of Midway was a key element to the recovery of the United States Armed Forces and the ultimate victory on Japan.

Historians rank Midway as one of the most decisive naval battles of all time. It is only fitting, in my judgment, that American heroes of the Battle of Midway be given due recognition, and that is why the Battle of Midway National Memorial Act is so important.

Mr. President, if approved, this bill will: First, establish the Midway Islands as a National War Memorial; second, protect the historic structures associated with the Battle of Midway; and three, protect the surrounding environs, without cost to the taxpayers. The bill provides that the memorial be funded from revenues earned from private sector entities currently operating at the airstrip and the port facilities on Midway.

Historic victories such as Midway, Gettysburg, Yorktown, and Normandy are remembered by memorializing the hallowed ground upon which American blood was shed. The Midway Islands, and the surrounding seas where so many American lives were sacrificed, deserve to be memorialized as well.

Mr. President, during the month of June 1942, a badly outnumbered American naval force, consisting of 29 ships and other units of the Armed Forces, under the overall command of Adm. Chester W. Nimitz, outmaneuvered and out-fought 350 ships of the combined Japanese Imperial Fleet. The objectives of the Japanese high command were to occupy the Midway Islands and destroy the United States Pacific Fleet, but the forces under the command of Admiral Nimitz completely thwarted Japanese strategy. Victory at Midway was the turning point in the Pacific Theater.

The outcome of the conflict, Mr. President, was remarkable given the fact that U.S. Forces were so badly outnumbered. The United States lost 163 aircraft compared to 286 Japanese aircraft lost. One American aircraft carrier, the *U.S.S. Yorktown*, and one destroyer, the *U.S.S. Humman* were destroyed. On the other hand, the Japanese Imperial Navy lost five ships, four of the ships being the Imperial Navy's main aircraft carriers. Almost as devastating was the loss of most of the experienced Japanese pilots. At the end of the day, 307 Americans had lost their lives. The Japanese navy lost 2,500 men.

So severe was the damage inflicted on the Imperial Japanese Navy by American airmen and sailors, that Japan never again was able to take the offensive against the United States or Allied forces.

Mr. President, victory over the Japanese was achieved, of course, by men and women from all the United States

Armed Forces. Certainly at Midway, elements of each services—Navy, Marines, and U.S. Army Air Corps—were heavily engaged, closely coordinated, and paid a high price for their bravery. The Midway Islands should be memorialized to honor the courageous efforts of all the services when they were called upon to defend our Nation and its interests.

The heroism of many of American servicemen at Midway often required the ultimate sacrifice. Many of the Marine pilots, flying worn out and inferior planes, did not live to celebrate the victory at Midway. All but five torpedo-plane pilots who attacked the Japanese aircraft carrier task force—without protective air cover—were shot down. These pilots undoubtedly knew they were flying to an all but certain death.

But the sacrifice of these brave Americans was not in vain, Mr. President. When the battle ended, four Japanese aircraft carriers were sent to the bottom of the Pacific Ocean, and their highly experienced pilots were lost. Japanese naval aviation never recovered from this crippling blow, and the rest, as they say, is history.

Mr. President, the sacrifice and heroism of these men should never be forgotten—it is vital that our sons and daughters never forget what their fathers and grandfathers sacrificed for freedom. The Battle of Midway should be memorialized for all time, on the Midway Islands, on behalf of a grateful Nation.

Mr. President, I ask unanimous consent that a letter from four gallant Americans, each of whom was a hero of the Battle of Midway—Lt. Com. Richard H. Best, Capt. Robert M. Elder, Cap. Jack H. Reid, and Maj. J. Douglas Rollow—regarding the Midway Islands National Memorial Act, be printed in the RECORD.

Mr. President, I am grateful to these fine Americans for their service at the Battle of Midway and for their diligence in putting together this bill. I certainly commend other distinguished Americans for their contributions to this effort, including Dr. James D'Angelo, Adm. Tom Moorer, Adm. Whitey Feightner, Capt. Gordon Murray, Vice Adm. James Flatley III, Vice Adm. William Houser, William Rollow, and Anthony Harrigan.

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

INTERNATIONAL MIDWAY
MEMORIAL FOUNDATION, INC.,
Rockville, MD, May 30, 1995.

DEAR SENATOR HELMS: Please take a few minutes to read this letter to you from us, some of the survivors of the Battle of Midway. We seek nothing for ourselves—only for our Country.

Few battles in World War II were as pivotal as the Battle of Midway in 1942. Although the Battle of Britain and Stalingrad turned the course of the war in Europe, the Battle of Midway not only turned the course of the war in the Pacific, but most likely of the entire war. There the Imperial Japanese Fleet was defeated by a handful of U.S. Naval, Marine and Army aviators flying obsolescent aircraft. Lives were heroically lost. Had we not prevailed at Midway, Hawaii would have been lost, and the Pacific war fought on our West Coast.

Those of us who served in World War II have taken for granted that the generations who succeeded us would know of the enormous cost in lives paid to preserve freedom. We naively assumed that future generations would cherish and protect the values for which so many of our comrades died.

While other nations in the free world made the remembrance of World War II and the values it represented an imperative for their children, sad to say, our nation has not. Complacency replaced patriotism; revisionists replaced historians. Some would even have our children believe that the United States was the aggressor—insensitive to human life—particularly with regard to the end of the war in the Pacific.

We know the truth—we lived it; but our children do not. The International Midway Memorial Foundation believes that one of the best ways to preserve the teachings of World War II is to create World War II National Historic Battlefields. There our children, historians and others interested in that epic war for freedom can learn first hand, on site.

We now face the second battle of Midway. In September 1993, after over 90 years of stewardship, the United States Navy closed Midway as an operational base. The United States Fish and Wildlife Service (USFWS) has requested that Midway be turned over to itself primarily for use as a wildlife refuge.

The Foundation opposes the transfer of Midway to USFWS. Instead, we wish it declared a National Historic Battlefield, and administered by the U.S. National Park Service, in accordance with sound multiple use principles. Interested visitors can then not only see a beautiful island and its wildlife, but also learn of the historic battle fought there.

The Foundation will raise funds to help provide exhibits and materials to teach those visitors about the battle. Furthermore, visitors to Midway will generate funds, which in turn, will reduce if not eliminate the cost to our taxpayers of maintaining Midway.

In closing, we believe our dead at Midway deserve something better than a monument in a wildlife refuge. The few threatened species utilizing the Midway Atoll (primarily the Hawaiian Monk Seal and the Green Sea Turtle) can be amply protected under the multiple-use program we espouse.

Please help us. Please support legislation to create Midway as a National Historic Battlefield. Let us not lose the second battle of Midway.

Respectfully yours,

LCDR RICHARD H. BEST,
USN (Ret.).
CAPT. ROBERT M. ELDER,
USN (Ret.).
CAPT. JACK H. REID,
USN (Ret.).
MAJ. J. DOUGLAS ROLLOW,
USMCR (Ret.).

ADDITIONAL COSPONSORS

S. 304

At the request of Mr. SANTORUM, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 304, a bill to amend the Internal Revenue Code of 1986 to repeal the transportation fuels tax applicable to commercial aviation.

S. 448

At the request of Mr. GRASSLEY, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 448, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from rules for determining contributions in aid of construction, and for other purposes.

S. 529

At the request of Mr. GRAHAM, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 529, a bill to provide, temporarily, tariff and quota treatment equivalent to that accorded to members of the North American Free Trade Agreement (NAFTA) to Caribbean Basin beneficiary countries.

S. 758

At the request of Mr. HATCH, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 758, a bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes.

S. 794

At the request of Mr. LUGAR, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 794, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to facilitate the minor use of a pesticide, and for other purposes.

S. 837

At the request of Mr. WARNER, the names of the Senator from Utah [Mr. HATCH] and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 837, a bill to require the Secreatry of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of James Madison.

S. 864

At the request of Mr. GRASSLEY, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 864, a bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for nurse practitioners and clinical nurse specialists to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 877

At the request of Mrs. HUTCHISON, the names of the Senator from Colorado [Mr. BROWN], and the Senator from North Carolina [Mr. HELMS) were added as cosponsors of S. 877, a bill to amend section 353 of the Public Health Service Act to exempt physician office laboratories from the clinical laboratories requirements of that section.

S. 955

At the request of Mr. HATCH, the name of the Senator from California

[Mrs. BOXER] was added as a cosponsor of S. 955, a bill to clarify the scope of coverage and amount of payment under the medicare program of items and services associated with the use in the furnishing of inpatient hospital services of certain medical devices approved for investigational use.

S. 1083

At the request of Mr. THOMAS, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 1083, a bill to direct the President to withhold extension of the WTO Agreement to any country that is not complying with its obligations under the New York Convention, and for other purposes.

SENATE RESOLUTION 147

At the request of Mr. THURMOND, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of Senate Resolution 147, a resolution designating the weeks beginning September 24, 1995, and September 22, 1996, as "National Historically Black Colleges and Universities Week," and for other purposes.

SENATE RESOLUTION 149

At the request of Mr. AKAKA, the names of the Senator from Illinois [Mr. SIMON] and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of Senate Resolution 149, a resolution expressing the sense of the Senate regarding the recent announcement by the Republic of France that it intends to conduct a series of underground nuclear test explosions despite the current international moratorium on nuclear testing.

AMENDMENTS SUBMITTED

THE FOREIGN RELATIONS REVITALIZATION ACT OF 1995

MURKOWSKI (AND OTHERS) AMENDMENT NO. 1881

(Ordered to lie on the table.)

Mr. MURKOWSKI (for himself, Mr. MCCAIN, and Mr. HELMS) submitted an amendment intended to be proposed by them to the bill (S. 908) to authorize appropriations for the Department of State for fiscal years 1996 through 1999 and to abolish the United States Information Agency, the United States Arms Control and Disarmament Agency, and the Agency for International Development, and for other purposes; as follows:

On page 124, after line 20, insert the following:

TITLE VII—AUTHORIZATION FOR IMPLEMENTATION OF THE AGREED FRAMEWORK BETWEEN THE UNITED STATES AND NORTH KOREA

SEC. 701. SHORT TITLE.

This title may be cited as the "Authorization for Implementation of the Agreed Framework Between the United States and North Korea Act".

SEC. 702. STATEMENT OF PURPOSE; STATUTORY CONSTRUCTION.

(a) PURPOSE.—The purpose of this title is to set forth requirements, consistent with the Agreed Framework, for the United States implementation of the Agreed Framework.

(b) STATUTORY CONSTRUCTION.—Nothing in this title requires the United States to take any action which would be inconsistent with any provision of the Agreed Framework.

SEC. 703. RESTRICTION ON FUNDING.

(a) SUBJECT TO AN AUTHORIZATION OF APPROPRIATIONS ACT AND AN APPROPRIATIONS ACT.—The United States may not exercise any action under the Agreed Framework that would require the obligation or expenditure of funds except to the extent and in the amounts provided in an Act authorizing appropriations and in an appropriations Act.

(b) PROHIBITION.—No funds may be made available under any provision of law to carry out activities described in the Agreed Framework unless the President determines and certifies to Congress that North Korea is in full compliance with the terms of the Agreed Framework.

SEC. 704. NORMALIZATION OF DIPLOMATIC RELATIONS.

None of the funds made available to carry out any program, project, or activity funded under any provision of law may be used to maintain relations with North Korea at the ambassadorial level unless North Korea has satisfied the IAEA safeguards requirement described in section 707, the additional requirements set forth in section 708, and the nuclear nonproliferation requirements of section 709.

SEC. 705. NORMALIZATION OF ECONOMIC RELATIONS.

(a) RESTRICTION ON TERMINATION OF ECONOMIC EMBARGO.—The President shall not terminate the economic embargo of North Korea until North Korea has satisfied the IAEA safeguards requirement described in section 707, the additional requirements set forth in section 708, and the nuclear nonproliferation requirements of section 709.

(b) DEFINITION.—As used in this section, the term "economic embargo of North Korea" means the regulations of the Department of the Treasury restricting trade with North Korea under section 5(b) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)).

SEC. 706. RESTRICTION ON PETROLEUM SHIPMENTS.

(a) RESTRICTION.—If North Korea does not satisfy the IAEA safeguards requirement described in section 707, or if North Korea diverts heavy oil for purposes not specified in the Agreed Framework, then—

(1) no additional heavy oil may be exported to North Korea if such oil is subject to the jurisdiction of the United States, or is exported by a person subject to the jurisdiction of the United States;

(2) the United States shall immediately cease any direct or indirect support for any exports of heavy oil to North Korea; and

(3) the President shall take steps to terminate the export to North Korea of heavy oil by all other countries in the international consortium to finance and supply a light-water reactor in North Korea.

(b) ENFORCEMENT.—Whoever violates subsection (a)(1) having the requisite knowledge described in section 11 of the Export Administration Act of 1979 (50 U.S.C. App. 2410) shall be subject to the same penalties as are provided in that section for violations of that Act.

SEC. 707. IAEA SAFEGUARDS REQUIREMENT.

The requirement of this section is satisfied when the President determines and certifies to the appropriate congressional committees that North Korea is in full compliance with its safeguards agreement with the International Atomic Energy Agency (INFCIRC/403), in accordance with part IV (3) of the Agreed Framework, as determined by the Agency after—

(1) conducting special inspections of the two suspected nuclear waste sites at the Yongbyon nuclear complex; and

(2) conducting such other inspections in North Korea as may be deemed necessary by the Agency.

SEC. 708. ADDITIONAL REQUIREMENTS.

The additional requirements referred to in sections 704 and 705 are the following, as determined and certified by the President to the appropriate congressional committees:

(1) That progress has been made in talks between North Korea and the Republic of Korea, including implementation of confidence-building measures by North Korea as well as other concrete steps to reduce tensions.

(2) That the United States and North Korea have established a process for returning the remains of United States military personnel who are listed as missing in action (MIAs) during the Korean conflict between 1950 and 1953, including field activities conducted jointly by the United States and North Korea.

(3) That North Korea has issued an official statement forswearing state-sponsored terrorism.

(4) That North Korea has taken positive steps to demonstrate a greater respect for internationally recognized human rights.

(5) That North Korea has agreed to control equipment and technology in accordance with the criteria and standards set forth in the Missile Technology Control Regime, as defined in section 74(2) of the Arms Export Control Act (22 U.S.C. 2797c).

SEC. 709. NUCLEAR NONPROLIFERATION REQUIREMENTS.

The nuclear nonproliferation requirements referred to in sections 704 and 705 are the following, as determined and certified by the President to the appropriate congressional committees and the Committee on Energy and Natural Resources of the Senate:

(1) All spent fuel from the graphite-moderated nuclear reactors and related facilities of North Korea have been removed from the territory of North Korea as is consistent with the Agreed Framework.

(2) The International Atomic Energy Agency has conducted any and all inspections that it deems necessary to fully account for the stocks of plutonium and other nuclear materials in North Korea, including special inspections of suspected nuclear waste sites, before any nuclear components controlled by the Nuclear Supplier Group Guidelines are delivered for a light water reactor for North Korea.

(3) The dismantlement of all declared graphite-based nuclear reactors and related facilities in North Korea, including reprocessing units, has been completed in accordance with the Agreed Framework and in a manner that effectively bars in perpetuity any reactivation of such reactors and facilities.

SEC. 710. SUSPENSION OF UNITED STATES OBLIGATIONS.

The United States shall suspend actions described in the Agreed Framework if North Korea reloads its existing 5 megawatt nuclear reactor or resumes construction of nuclear facilities other than those permitted to be built under the Agreed Framework.

SEC. 711. WAIVER.

The President may waive the application of section 707, 708, 709, or 710 if the President determines, and so notifies in writing the appropriate congressional committees, that to do so is vital to the security interests of the United States.

SEC. 712. CERTIFICATION AND REPORTING REQUIREMENTS.

Beginning 6 months after the date of enactment of this Act, and every 6 months thereafter, the President shall transmit to the appropriate congressional committees a report setting forth—

(1) an assessment of the extent of compliance by North Korea with all the provisions of the Agreed Framework and this title;

(2) a statement of the progress made on construction of light-water reactors, including a statement of all expenditures, direct and indirect, made by each country participating in the Korea Energy Development Organization from the date of signature of the Agreed Framework to the date of the report;

(3) an estimate of the date by which North Korea is expected to satisfy the IAEA safeguards requirement described in section 707;

(4) a certification by the President that North Korea has satisfied its IAEA safeguards requirement described in section 707, as determined by the International Atomic Energy Agency;

(5) a certification by the President that North Korea is not transferring missiles and missile technology to Iran;

(6) a description of any new developments or advances in North Korea's nuclear weapons program;

(7) a statement of the progress made by the United States in fulfilling its actions under the Agreed Framework, including any steps taken toward normalization of relations with North Korea;

(8) a statement of any progress made on dismantlement and destruction of the graphite-moderated nuclear reactors of North Korea and related facilities;

(9) a description of the steps being taken to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula;

(10) an assessment of the participation by North Korea in talks between North Korea and the Republic of Korea; and

(11) a description of any action taken by the President under section 706(a)(2).

SEC. 713. DEFINITIONS.

As used in this title:

(1) AGREED FRAMEWORK.—The term "Agreed Framework" means the document entitled "Agreed Framework Between the United States of America and the Democratic People's Republic of Korea", signed October 21, 1994, at Geneva, and the attached Confidential Minute.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committees on Foreign Relations and Armed Services of the Senate and the Committees on International Relations and National Security of the House of Representatives.

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

(4) NORTH KOREA.—The term "North Korea" means the Democratic People's Republic of Korea, including any agency or instrumentality thereof.

(5) SPECIAL INSPECTIONS.—The term "special inspections" means special inspections conducted by the International Atomic Energy Agency pursuant to an IAEA safeguards agreement.

HUTCHISON (AND OTHERS) AMENDMENT NO. 1882

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself, Mr. GRAMM, Mr. COATS, Mr. HELMS, Mr. GRAMS, Mr. SMITH, Mr. KEMPTHORNE, Mr. INHOFE, Mr. LOTT, Mr. NICKLES, and Mr. DEWINE) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

On page 91, between lines 4 and 5, insert the following new section:

SEC. 319. SENSE OF CONGRESS ON UNITED NATIONS FOURTH WORLD CONFERENCE ON WOMEN IN BEIJING, CHINA.

It is the sense of the Congress that—

(1) the United Nations Fourth World Conference on Women in Beijing, China, should promote a representative American perspective on issues of equality, peace, and development; and

(2) in the event the United States sends a delegation to the Conference, the United States delegation should use the voice and vote of the United States—

(A) to ensure that the biological and social activity of motherhood is recognized as a valuable and worthwhile endeavor that should in no way, in its form or actions, be demeaned by society or by the state;

(B) to ensure that the traditional family is upheld as the fundamental unit of society upon which healthy cultures are built and, therefore, receives esteem and protection by society and the state; and

(C) to define or agree with any definitions that define gender as the biological classification of male and female, which are the two sexes of the human being.

D'AMATO AMENDMENT NO. 1883

(Ordered to lie on the table.)

Mr. D'AMATO submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . CONGRESSIONAL APPROVAL OF CERTAIN FOREIGN ASSISTANCE.

(a) PRESIDENTIAL CERTIFICATION.—Section 5302 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(e) CERTIFICATION.—The Secretary may not make any loan or extension of credit under this section with respect to a single foreign entity or government of a foreign country (including agencies or other entities of that government), unless the President certifies to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives that—

"(1) there is no projected cost (as that term is defined in section 502 of the Federal Credit Reform Act of 1990) to the United States from the proposed loan or extension of credit; and

"(2) any proposed obligation or expenditure of United States funds to or on behalf of the foreign government is adequately backed by an assured source of repayment to ensure that all United States funds will be repaid.".

(b) LIMITATION ON USE OF EXCHANGE STABILIZATION FUND.—Section 5302 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(f) LIMITATION ON USE OF FUND.—Notwithstanding subsection (a)(2), except as provided by an Act of Congress, the Secretary may not make any loan or extension of credit under this section with respect to a single foreign entity or government of a foreign country (including agencies or other entities of that government) that would result in expenditures and obligations, including contingent obligations, aggregating more than $1,000,000,000 with respect to that foreign country for more than 180 days during the 12-month period beginning on the date on which the first such action is taken.".

(c) APPLICABILITY.—Subsections (e) and (f) of section 5302 of title 31, United States Code, as added by this section, shall not apply to any action taken under that section as part of the program of assistance to Mexico announced by the President on January 31, 1995.

(d) TECHNICAL AMENDMENT.—Section 5302(b) of title 31, United States Code, is amended by striking the second sentence.

(e) EFFECTIVE DATE.—The amendments made by this section shall become effective on October 1, 1995.

SIMPSON AMENDMENT NO. 1884

(Ordered to lie on the table.)

Mr. SIMPSON submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, below line 20, add the following:

TITLE VII—POPULATION STABILIZATION AND REPRODUCTIVE HEALTH

SEC. 701. SHORT TITLE.

This title may be cited as the "International Population Stabilization and Reproductive Health Act".

SEC. 702. AUTHORITIES RELATING TO UNITED STATES POPULATION ASSISTANCE.

Part I of the Foreign Assistance Act of 1961 is amended—

(1) in section 104(b), by striking "on such terms and conditions as he may determine" and inserting "in accordance with the provisions of chapter 12"; and

(2) by adding at the end the following new chapter:

"CHAPTER 12—UNITED STATES POPULATION ASSISTANCE

"SEC. 499. DEFINITION.—For purposes of this chapter, the term 'United States population assistance' means assistance provided under section 104(b) of this Act.

"SEC. 499A. CONGRESSIONAL FINDINGS.—The Congress makes the following findings:

"(1) Throughout much of the developing world, the inability of women and couples to exercise choice over childbearing undermines the role of women in economic development, contributes to death and suffering among women and their children, puts pressure on the environment and the natural resources on which many poor families depend for their survival, and in other ways vitiates the efforts of families to lift themselves out of the poverty in which more than one billion of the world's 5.7 billion people live.

"(2) Through 2015, the world's population will continue to grow, with annual population increments predicted to be above 86 million. This will lead to a tripling of the world's population before stabilization can occur.

"(3) As the population within individual countries grows, cities grow rapidly, movement in and between countries increases,

and regional distributions of population become unbalanced.

"(4) After more than a quarter century of experience and research, a global consensus is emerging on the need for increased international cooperation in regard to population in the context of sustainable development.

"(5) To act effectively on this consensus, the ability to exercise reproductive choice should be expanded through broader dissemination of fertility regulation services that involve women, couples, and the community and which meet individual, family, and community needs and values.

"(6) In addition to the personal toll on families, the impact of human population growth and widespread poverty is evident in mounting signs of stress on the world's environment, particularly in tropical deforestation, erosion of arable land and watersheds, extinction of plant and animal species, global climate change, waste management, and air and water pollution.

"SEC. 499B. DECLARATION OF POLICY. (a) IN GENERAL.—Congress declares that to reduce population growth and stabilize world population at the lowest level feasible and thereby improve the health and well-being of the world's families, to ensure the role of women in the development process, and to protect the global environment, an important objective of the foreign policy of the United States shall be to assist the international community to achieve universal availability of quality fertility regulation services through a wide choice of safe and effective means of family planning, including programs of public education and other health and development efforts in support of smaller families.

"(b) FINANCIAL TARGETS.—The Congress endorses a target for global expenditures in developing countries of at least $17,000,000,000 by the year 2000 for population programs described in section 499C, and establishes a goal for United States population assistance by the year 2000 of $1,850,000,000 in constant 1993 dollars.

"SEC. 499C. AUTHORIZED ACTIVITIES.—United States population assistance is authorized to provide—

"(1) support for the expansion of quality, affordable, voluntary family planning services, which emphasize informed choice among a variety of safe and effective fertility regulation methods and closely related reproductive health care services, including the prevention and control of HIV-AIDS, sexually transmitted diseases, and reproductive tract infections;

"(2) support for adequate and regular supplies of quality contraceptives, quality family planning counseling, information, education, communication, and services emphasizing the use of the mass media to improve public knowledge of fertility regulation and related disease prevention methods and where they may be obtained and to promote the benefits of family planning and reproductive health to individuals, families, and communities;

"(3) support to United States and foreign research institutions and other appropriate entities for biomedical research to develop and evaluate improved methods of safe fertility regulation and related disease control, with particular emphasis on methods which—

"(A) are likely to be safer, easier to use, easier to make available in developing country settings, and less expensive than current methods;

"(B) are controlled by women, including barrier methods and vaginal microbicides;

"(C) are likely to prevent the spread of sexually transmitted diseases; and

"(D) encourage and allow men to take greater responsibility for their own fertility;

"(4) support for field research on the characteristics of programs most likely to result in sustained use of effective family planning in meeting each individual's lifetime reproductive goals, with particular emphasis on the perspectives of family planning users, including support for relevant social and behavioral research focusing on such factors as the use, nonuse, and unsafe or ineffective use of various fertility regulation and related-disease control methods;

"(5) support for the development of new evaluation techniques and performance criteria for family planning programs, emphasizing the family planning user's perspective and reproductive goals;

"(6) support for research and research dissemination related to population policy development, including demographic and health surveys to assess population trends, measure unmet needs, and evaluate program impact, and support for policy-relevant research on the relationships between population trends, poverty, and environmental management, including implications for sustainable agriculture, agroforestry, biodiversity, water resources, energy use, and local and global climate change;

"(7) support for prevention of unsafe abortions and management of complications of unsafe abortions, including research and public information dissemination on the health and welfare consequences;

"(8) support for special programs to reach adolescents and young adults before they begin childbearing, including health education programs which stress responsible parenthood and the health risks of unprotected sexual intercourse, as well as service programs designed to meet the information and contraception needs of adolescents;

"(9) support for a broad array of governmental and nongovernmental communication strategies designed—

"(A) to create public awareness worldwide;

"(B) to generate a consensus on the need to address reproductive health issues and the problems associated with rapid population growth;

"(C) to emphasize the need to educate men as well as women and mobilize their support for reproductive rights and responsibilities; and

"(D) to remove all major remaining barriers to family planning use, including unnecessary legal, medical, clinical, and regulatory barriers to information and methods, and to make family planning an established community norm; and

"(10) support for programs and strategies that actively discourage harmful practices such as female genital mutilation.

"SEC. 499D. TERMS AND CONDITIONS.—United States population assistance is authorized to be provided subject to the restrictions on such assistance set forth in section 104(f) and subject to the following conditions:

"(1) Such assistance may only support, directly or through referral, those activities which provide a broad range of fertility regulation methods permitted by individual country policy and a broad choice of public and private family planning services, including networks for community-based and subsidized commercial distribution of high quality contraceptives.

"(2) No program supported by United States population assistance may deny an individual family planning services because of such individual's inability to pay all or part of the cost of such services.

"(3) In each recipient country, programs supported by United States population assistance shall, to the extent possible, support a coordinated approach, consistent with respect for the rights of women as decisionmakers in matters of reproduction and sexuality, for the provision of public and private reproductive health services.

"(4) Family planning services and related reproductive health care services supported by United States population assistance shall ensure—

(A) privacy and confidentiality; maintain the highest medical standards possible under local conditions; and

(B) regular oversight of the quality of medical care and other services offered, including followup care.

"(5) United States population assistance programs shall furnish only those contraceptive drugs and devices which have received approval for marketing in the United States by the Food and Drug Administration or which have been tested and determined to be safe and effective under research protocols comparable to those required by the Food and Drug Administration or have been determined to be safe by an appropriate international organization or the relevant health authority in the country to which they are provided.

"(6) Family planning services supported by United States population assistance shall be designed to take into account the needs of the family planning user, including the constraints on women's time, by involving members of the community, including both men and women, in the design, management, and ongoing evaluation of the services through appropriate training and recruitment efforts. The design of services shall stress easy accessibility, by locating services as close as possible to potential users, by keeping hours of service convenient, and by improving communications between users and providers through community outreach and involvement. Related service shall be included, either on site or through referral.

"(7) United States population assistance to adolescent fertility programs shall be provided in the context of prevailing norms and customs in the recipient country.

"(8)(A) Programs supported by United States population assistance shall—

"(i) support the prevention of the spread of sexually transmitted diseases (STDs) and HIV-AIDS infection;

"(ii) raise awareness regarding STDs and HIV-AIDS prevention and consequences;

"(iii) provide quality counselling to individuals with STDs and HIV-AIDS infection in a manner which respects individual rights and confidentiality; and

"(iv) ensure the protection of both patients and health personnel from infection in clinics.

"(B) Responsible sexual behavior, including voluntary abstinence, for the prevention of STDs and HIV infection should be promoted and included in education and information programs.

"(9) None of the funds made available by the United States Government to foreign governments, international organizations, or nongovernmental organizations may be used to coerce any person to undergo sterilization or abortion or to accept any other method of fertility regulation.

"SEC. 499E. ELIGIBILITY FOR POPULATION ASSISTANCE. (a) ELIGIBLE COUNTRIES.—Notwithstanding any other provision of law, United States population assistance shall be available, directly or through intermediary organizations, to any country which the

President determines has met one or more of the following criteria:

"(1) The country accounts for a significant proportion of the world's annual population increment.

"(2) The country has significant unmet needs for fertility regulation and requires foreign assistance to implement, expand, or sustain quality family planning services for all its people.

"(3) The country demonstrates a strong policy commitment to population stabilization through the expansion of reproductive choice.

"(b) ELIGIBILITY OF NONGOVERNMENTAL AND MULTILATERAL ORGANIZATIONS.—In determining eligibility for United States population assistance, the President shall not subject nongovernmental and multilateral organizations to requirements which are more restrictive than requirements applicable to foreign governments for such assistance.

"SEC. 499F. PARTICIPATION IN MULTILATERAL ORGANIZATIONS. (a) FINDING.—The Congress recognizes that the recent attention, in government policies toward population stabilization owes much to the efforts of the United Nations and its specialized agencies and organizations, particularly the United Nations Population Fund.

"(b) AVAILABILITY OF FUNDS.—United States population assistance shall be available for contributions to the United Nations Population Fund in such amounts as the President determines would be commensurate with United States contributions to other multilateral organizations and with the contributions of other donor countries.

"(c) PROHIBITIONS.—(1) The prohibitions contained in section 104(f) of this Act shall apply to the funds made available for the United Nations Population Fund.

"(2) No United States population assistance may be available to the United Nations Population Fund unless such assistance is held in a separate account and not commingled with any other funds.

"(3) No funds may be available for the United Nations Population Fund unless the Fund agrees to prohibit the use of those funds to carry out any program, project, or activity that involves the use of coerced abortion or involuntary sterilization.

"(4) None of the funds made available to the United Nations Population Fund shall be available for activities in the People's Republic of China.

"(d) ALLOCATION OF FUNDS.—Of the funds made available for United States population assistance, the President shall make available for the Special Programme of Research, Development and Research Training in Human Reproduction for each of the fiscal years 1995 and 1996 an amount commensurate with the contributions of the other donor countries for the purpose of furthering international cooperation in the development and evaluation of fertility regulation technology.

"SEC. 499G. SUPPORT FOR NONGOVERNMENTAL ORGANIZATIONS. (a) FINDING.—Congress finds that in many developing countries, nongovernmental entities, including private and voluntary organizations and private sector entities, are the most appropriate and effective providers of United States assistance to population and family planning activities.

"(b) PROCEDURES.—The President shall establish simplified procedures for the development and approval of programs to be carried out by nongovernmental organizations that have demonstrated—

"(1) a capacity to undertake effective population and family planning activities which encourage significant involvement by private health practitioners, employer-based health services, unions, and cooperative health organizations; and

"(2) a commitment to quality reproductive health care for women.

"(c) PRIORITY FOR NONGOVERNMENTAL ORGANIZATIONS.—The largest share of United States population assistance made available for any fiscal year shall be made available through United States and foreign nongovernmental organizations.

"SEC. 499H. REPORTS TO CONGRESS.—The President shall prepare and submit to the Congress, as part of the annual presentation materials on foreign assistance, a report on world progress toward population stabilization and universal reproductive choice. The report shall include—

"(1) estimates of expenditures on the population activities described in section 499C by national governments, donor agencies, and private sector entities;

"(2) an analysis by country and region of the impact of population trends on a set of key social, economic, political, and environment indicators, which shall be identified by the President in the first report submitted pursuant to this section and analyzed in that report and each subsequent report; and

"(3) a detailed statement of prior year and proposed direct and indirect allocations of population assistance, by country, which describes how each country allocation meets the criteria set forth in this section.".

SEC. 703. AUTHORIZATIONS OF APPROPRIATIONS.

Section 104(g)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(g)(1) is amended by amending subparagraph (A) to read as follows:

"(A) such sums as may be necessary for fiscal year 1996 and such sums as may be necessary for fiscal year 1997 to carry out subsection (b) of this section; and".

SEC. 704. OVERSIGHT OF MULTILATERAL DEVELOPMENT BANKS.

(a) FINDINGS.—The Congress finds that—

(1) multilateral development banks have an important role to play in global population efforts;

(2) although the increased commitment by multilateral development banks to population-related activities is encouraging, together the banks provided less than $200,000,000 in 1994 in assistance for core population programs, and their overall lending for population, health, and nutrition decreased by more than one-half between 1993 and 1994; and

(3) the banks themselves have recognized a need to improve oversight of programs, strengthen the technical skills of their personnel, and improve their capacity to work with borrowers, other donors, and nongovernmental organizations in formulating creative population projects to meet diverse borrower needs.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the multilateral development banks should increase their annual support for the population activities described in section 499C of the Foreign Assistance Act of 1961, as added by this Act, to not less than a total of $1,000,000,000 by December 31, 2000.

(c) REPORT REQUIRED.—Not later than July 31 of each year, the Secretary of the Treasury shall prepare and transmit to Congress a report which includes, with respect to the preceding calendar year—

(1) information on the resources made available by each multilateral development bank for the population activities described in section 499C of the Foreign Assistance Act of 1961, as added by this Act;

(2) if such resources total less than $1,000,000,000, any specific actions taken by the United States executive directors to the banks to encourage increases in such resources and in policy-level discussions with donor and developing country governments; and

(3) an analysis of the progress made by the banks towards—

(A) meeting the objectives of the population activities which are supported by the banks;

(B) increasing their in-country management staff;

(C) improving the technical skills of their personnel; and

(D) assuring their responsiveness to borrower needs.

(d) DEFINITION.—As used in this section, the term "multilateral development banks" means the International Bank for Reconstruction and Development, the International Development Association, the African Development Bank, the Asian Development Bank, the Inter-American Development Bank, and the European Bank for Reconstruction and Development.

SEC. 705. ECONOMIC AND SOCIAL DEVELOPMENT INITIATIVES TO STABILIZE WORLD POPULATION.

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

(1) Women represent 50 percent of the world's human resource potential. Therefore, improving the health, social, and economic status of women and increasing their productivity are essential for economic progress in all countries. Improving the status of women also enhances their decisionmaking capacity at all levels in all spheres of life, including in the area of reproductive health.

(2) Throughout the world, women who participate in the social, economic, and political affairs of their communities are more likely to exercise their choice about childbearing than women who do not participate in such activities.

(3) Effective economic development strategies address issues such as infant and child survival rates, educational opportunities for girls and women, and equality in development.

(4) Comprehensive population stabilization efforts which include both family planning services and economic development activities achieve lower birth rates and stimulate more development than those which pursue these objectives independently.

(5) The most powerful, long-term influence on birthrates is education, especially educational attainment among women. Education is one of the most important means of empowering women with the knowledge, skills and self confidence necessary to participate in their communities.

(6) In most societies, men traditionally have exercised preponderant power in nearly all spheres of life. Therefore, improving communication between men and women on reproductive health issues and increasing their understanding of joint responsibilities are essential to ensuring that men and women are equal partners in public and private life.

(7) In addition to enabling women to participate in the development of their societies, educational attainment has a strong influence on all other aspects of family welfare, including child survival. However, of the world's 130 million children who are not enrolled in primary school, 70 percent are girls.

(8) In a number of countries, lower rates of school enrollment among girls, the practice

of prenatal sex selection, and higher rates of mortality among very young girls suggest that "son preference" is curtailing the access of girl children to food, health care, and education.

(9) Each year, more than 13 million children under the age of 5 die, most from preventable causes. Wider availability of vaccines, simple treatments for diarrheal disease and respiratory infections, and improved nutrition could prevent many of these deaths.

(10) Each year, 500,000 or more women worldwide die from complications related to pregnancy, childbirth, illegal abortion, or inadequate or inaccessible reproductive health care services, and millions more annually suffer long-term illness or permanent physical impairment from such causes.

(11) By mid-1993, the cumulative number of AIDS cases since the pandemic began was estimated at 2.5 million, and an estimated 14 million people had been infected with HIV. By year 2000, estimates are that 40 million people will be HIV infected.

(12) As of mid-1993, four-fifths of all persons ever infected with HIV lived in developing countries. Women are the fastest growing group of new cases.

(b) DECLARATION OF POLICY.—Congress declares that, to further the United States foreign policy objective of assisting the international community in achieving universal availability of quality fertility regulation services and stabilizing world population, additional objectives of the foreign policy of the United States shall be—

(1) to help achieve universal access to basic education for women and men, with particular priority being given to primary and technical education and job training;

(2) to increase understanding of the consequences of population growth through effective education strategies that begin in primary school and continue through all levels of formal and nonformal education and which take into account the rights and responsibilities of parents and the needs of children and adolescents;

(3) to reduce the gap between male and female levels of literacy and between male and female levels of primary and secondary school enrollment;

(4) to help ensure that women worldwide have the opportunity to become equal partners with men in the development of their societies;

(5) to help eliminate all forms of discrimination against girl children and the root causes of son preference, which result in harmful and unethical practice such as female infanticide and prenatal sex selection;

(6) to increase public awareness of the value of girl children through public education that promotes equal treatment of girls and boys in health, nutrition, education, socioeconomic and political activity, and equitable inheritance rights;

(7) to encourage and enable men to take responsibility for their sexual and reproductive behavior and their social and family roles;

(8) to help ensure that women and men have the information and means needed to achieve good reproductive health and to exercise their reproductive rights through responsible sexual behavior and equity in gender relations;

(9) to reduce global maternal and infant mortality rates; and

(10) to improve worldwide maternal and child health status and quality of life.

(c) AUTHORIZED ACTIVITIES.—United States development assistance shall be available, on a priority basis, for—

(1) countries which either have adopted and implemented, or have agreed to adopt and implement, strategies to help ensure—

(A) before 2015, the achievement of the goal of universal primary education for girls and boys in all countries and access to secondary and higher levels of education, including vocational education and technical training, for girls and women;

(B) by 2005, the reduction of adult illiteracy by at least one-half the country's 1990 level;

(C) by 2005, the elimination of the gap between male and female levels of literacy and between male and female levels of primary and secondary school enrollment; and

(D) the establishment of programs designed to meet adolescent health needs, which include services and information on responsible sexual behavior, family planning practice, reproductive health and sexually transmitted diseases, and HIV-AIDS prevention;

(2) governmental and nongovernmental programs which, with respect to a targeted country, are intended—

(A) by 2005, to increase life expectancy at birth to greater than 70 years of age and by 2015, to 75 years of age;

(B) by 2005, to reduce by one-third the country's mortality rates for infants and children under 5 years of age, or to 50 per 1,000 live births for infants and 70 per 1,000 for children under 5 years of age, whichever is less; and by 2015, to reduce the country's infant mortality rate below 35 per 1,000 births and the under-5 mortality rate below 45 per 1,000;

(C) by 2005, to reduce maternal mortality by one-half of the 1990 level and by a further one-half by 2015;

(D) by 2005, to reduce significantly malnutrition among the country's children under 5 years of age;

(E) to maintain immunizations against childhood diseases for significant segments of the country's children; and

(F) to reduce the number of childhood deaths in the country which result from diarrheal disease and acute respiratory infections;

(3) governmental and nongovernmental programs which are intended to increase women's productivity and ensure equal participation and equitable representation at all levels of the political process and public life in each community and society through—

(A) improved access to appropriate labor-saving technology, vocational training, and extension services and access to credit and child care;

(B) equal participation of women and men in all areas of family and household responsibilities, including family planning, financial support, child rearing, children's education, and maternal and child health and nutrition;

(C) fulfillment of the potential of women through education, skill development and employment, with the elimination of poverty, illiteracy and poor health among women being of paramount importance; and

(D) recognition and promotion of the equal value of children of both sexes;

(4) governmental and nongovernmental programs which are intended to increase the access of girls and women to comprehensive reproductive health care services pursuant to subsection (d); and

(5) governmental and nongovernmental programs which are intended to eliminate all forms of exploitation, abuse, harassment, and violence against women, adolescents, and children.

(d) SAFE MOTHERHOOD INITIATIVE.—(1)(A) The President is authorized to establish a grant program, to be known as the Safe Motherhood Initiative, to help improve the access of girls and women worldwide to comprehensive reproductive health care services.

(B) Such program shall be carried out in accordance with this section and shall be subject to the same terms, conditions, prohibitions, and restrictions as are applicable to assistance made available under sections 499D, 499E, and 499F of the Foreign Assistance Act of 1961, as added by this Act.

(2) Comprehensive reproductive health care programs which are eligible for assistance under this section include—

(A) fertility regulation services;

(B) prenatal care and screening for high risk pregnancies and improved access to safe delivery services for women with high risk pregnancies;

(C) supplemental food programs for pregnant and nursing women;

(D) child survival and other programs that promote birth spacing through breastfeeding;

(E) expanded and coordinated programs that support responsible sexual behavior, including voluntary abstinence, and which prevent, detect, and manage sexually transmitted diseases, including HIV-AIDS, reproductive tract infections, and other chronic reproductive health problems;

(F) programs intended to eliminate traditional practices injurious to women's health, including female genital mutilation;

(G) improvements in the practice of midwifery, including outreach to traditional birth attendants; and

(H) expanded and coordinated programs to prevent, detect, and treat cancers of the reproductive system.

(e) REPORTS TO CONGRESS.—(1) Not later than December 31, 1995, the President shall prepare and submit to Congress a report which includes—

(A) estimates of the total financial resources needed to achieve, by the year 2005, the specific objectives set forth in subsection (c) with respect to education, rates of illiteracy, malnutrition, immunization, maternal and child mortality and morbidity, and improvements in the economic productivity of women;

(B) an analysis of such estimates which separately lists the total financial resources needed from the United States, other donor nations, and nongovernmental organizations;

(C) an analysis, by country, which—

(i) identifies the legal, social, economic, and cultural barriers to women's self-determination and to improvements in the economic productivity of women in traditional and modern labor sectors; and

(ii) describes initiatives needed to develop appropriate technologies for use by women, credit programs for low-income women, expanded child care, vocational training, and extension services for women; and

(D) a comprehensive description of—

(i) new and expanded initiatives to ensure safe motherhood worldwide;

(ii) findings on the major causes of mortality and morbidity among women of childbearing age in various regions of the world;

(iii) actions needed to reduce, by the year 2005, world maternal mortality by one-half of the worldwide 1990 level and a further one-half by 2015; and

(iv) the financial resources needed to meet this goal from the United States, other donor nations, and nongovernmental organizations.

(2) In each annual country human rights report, the Secretary of State shall include—

(A) information on any patterns within the country of discrimination against women in inheritance laws, property rights, family law, access to credit and technology, hiring practices, formal education, and vocational training; and

(B) an assessment which makes reference to all significant forms of violence against women, including rape, domestic violence, and female genital mutilation, the extent of involuntary marriage and childbearing, and the prevalence of marriage among women under 18 years of age.

(f) AUTHORIZATION OF APPROPRIATIONS.—(1) Of the aggregate amounts available for United States development and economic assistance programs for education activities, such sums as may be necessary for fiscal year 1996 and such sums as may be necessary for fiscal year 1997 shall be available only for programs in support of increasing primary and secondary school enrollment and equalizing levels of male and female enrollment.

(2) There are authorized to be appropriated such sums as may be necessary for fiscal year 1996 and such sums as may be necessary for fiscal year 1997 to the Child Survival Fund under section 104(c)(2) of the Foreign Assistance Act of 1961, which amounts shall be available for child survival activities only, including the Children's Vaccine Initiative, the worldwide immunization effort, and oral rehydration programs.

(3) There are authorized to be appropriated such sums as may be necessary for the Safe Motherhood Initiative for each of fiscal years 1995 and 1996.

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

(1) the term "annual country human rights report" refers to the report required to be submitted pursuant to section 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(b)); and

(2) the term "United States development and economic assistance" means assistance made available under chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961.

SEC. 706. AIDS PREVENTION AND CONTROL FUND.

(a) IN GENERAL.—Section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) is amended by adding at the end the following new paragraph:

"(4)(A)(i) The President is authorized to provide assistance, under such terms and conditions as he may determine, with respect to activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome (AIDS) in developing countries.

"(ii) Assistance provided under clause (i) shall include—

"(I) funds made available directly to the World Health Organization for its use in financing the Global Program on AIDS (including activities implemented by the Pan American Health Organization); and

"(II) funds made available to the United Nations Children's Fund (UNICEF) for AIDS-related activities.

"(B) Appropriations pursuant to subparagraph (A) may be referred to as the 'AIDS Prevention and Control Fund'.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 104(g)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(g)) is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) in subparagraph (B), by striking "subsection (c) of this section." and inserting "subsection (c) of this section (other than paragraph (4) thereof); and"; and

(3) by adding at the end thereof the following new subparagraph:

"(C) Such sums as may be necessary for fiscal year 1996 and such sums as may be necessary for fiscal year 1997 to carry out subsection (c)(4) of this section.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 1995.

COHEN AMENDMENT NO. 1885

(Ordered to lie on the table.)

Mr. COHEN submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At an appropriate place in the bill, insert the following new section:

SEC. .

(a) No later than three months after the date of enactment of this act, the President shall declassify, to the maximum extend possible, and resubmit to the Congress the report submitted to the Congress pursuant to Section 528 of Public Law 103-236, with an addendum updating the information in the report.

(b) The addendum referred to the subsection (a) shall be unclassified to the maximum extent possible and shall address, inter alia—

(1) Russian compliance or lack of compliance with the Russian-Moldovan agreement of October 24, 1994, providing for the withdrawal of Russian military forces from Moldova, subsequent Russian deployments of military forces to Moldova and Russian efforts to secure long-term military basing rights in Moldova;

(2) possible Russian complicity in the coup attempt of September-October 1994 against the government of Azerbaijan and the exertion of Russian pressure to influence decisions regarding the path of pipelines that will carry Azerbaijani oil;

(3) Russian efforts or agreements to assume partial or complete responsibility for securing the borders of countries other than Russia, using troops of the Russian Military of Defense, Ministry of the Interior or any other security agency of the Russian Federation;

(4) Russian efforts to integrate its armed forces, other security forces, or intelligence agencies with those of any other country and the relationship of such efforts to the development of institutions under the Commonwealth of Independent States.

BINGAMAN AMENDMENT NO. 1886

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . NONINTERVENTION CONCERNING ABORTION.

Section 104(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 215b(f)) is amended by adding at the end the following new paragraph:

"(4)(A) None of the funds made available to carry out this part may be used—

"(i) for any program, project, or activity that violates the laws of a foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited; or

"(B) Subparagraph (A) shall not apply to activities in opposition to coercive abortion or involuntary sterilization."

LEAHY AMENDMENT NO. 1887

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 95, line 8, strike "October 1, 1998," and insert "June 1, 1996, and annually thereafter,".

LEAHY AMENDMENT NO. 1888

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Mr. DODD, and Mr. SARBANES) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

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

SEC. . HONDURAS.

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

(1) In 1981, a secret Honduran army death squad known as Battalion 316 was created. During the 1980's Battalion 316 engaged in a campaign of systematically kidnapping, torturing and murdering suspected subversives. Victims included Honduran students, teachers, labor leaders and journalists. In 1993 there were 184 unsolved cases of persons who allegedly "disappeared." They are presumed dead.

(2) At the time, Administration officials were aware of the activities of Battalion 316 but failed to inform the Congress. In its 1983 human rights report, the State Department stated that "There are no political prisoners in Honduras."

(b) DECLASSIFICATION OF DOCUMENTS.—It is the sense of the Congress that the President should order the expedited declassification of any documents in the possession of the United States Government pertaining to persons who allegedly "disappeared" in Honduras, and promptly make such documents available to Honduran authorities who are seeking to determine the fate of these individuals.

LEAHY AMENDMENT NO. 1889

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

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

SEC. . LANDMINE USE MORATORIUM.

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

(1) On September 26, 1994, the President declared that it is a goal of the United States to eventually eliminate antipersonnel landmines.

(2) On December 15, 1994, the United Nations General Assembly adopted a resolution sponsored by the United States which called for international efforts to eliminate antipersonnel landmines.

(3) According to the Department of State, there are an estimated 80,000,000 to 110,000,000 unexploded landmines in 62 countries.

(4) Antipersonnel landmines are routinely used against civilian populations and kill and maim an estimated 70 people each day, or 26,000 people each year.

(5) The Secretary of State has noted that landmines are "slow-motion weapons of mass destruction".

(6) There are hundreds of varieties of antipersonnel landmines, from a simple type

available at a cost of only two dollars to the more complex self-destructing type, and all landmines of whatever variety kill and maim civilians, as well as combatants, indiscriminately.

(b) CONVENTIONAL WEAPONS CONVENTION REVIEW.—It is the sense of Congress that, at the United Nations conference to review the 1980 Conventional Weapons Convention, including Protocol II on landmines, that is to be held from September 25 to October 13, 1995, the President should actively support proposals to modify Protocol II that would implement as rapidly as possible the United States goal of eventually eliminating antipersonnel landmines.

(c) MORATORIUM ON USE OF ANTIPERSONNEL LANDMINES.—

(1) UNITED STATES MORATORIUM.—(A) For a period of one year beginning three years after the date of the enactment of this Act, the United States shall not use antipersonnel landmines except along internationally recognized national borders within a perimeter marked area that is monitored by military personnel and protected by adequate means to ensure that exclusion of civilians.

(B) If the President determines, before the end of the period of the United States moratorium under subparagraph (A), that the governments of other nations are implementing moratoria on use of antipersonnel landmines similar to the United States moratorium, the President may extend the period of the United States moratorium for such additional period as the President considers appropriate.

(2) OTHER NATIONS.—It is the sense of Congress that the President should actively encourage the governments of other nations to join the United States in solving the global landmine crisis by implementing moratoria on use of antipersonnel landmines similar to the United States moratorium as a step toward the elimination of antipersonnel landmines.

(d) ANTIPERSONNEL LANDMINE EXPORTS.—It is the sense of Congress that, consistent with the United States moratorium on exports of antipersonnel landmines and in order to further discourage the global proliferation of antipersonnel landmines, the United States Government should not sell, license or export, or otherwise transfer defense articles and services to any foreign government which, as determined by the President, sells, exports, or otherwise transfers antipersonnel landmines.

(e) DEFINITIONS.—For purposes of this Act:

(1) ANTIPERSONNEL LANDMINE.—The term "antipersonnel landmine" means any munition placed under, on, or near the ground or other surface area, delivered by artillery, rocket, mortar, or similar means, or dropped from an aircraft and which is designed, constructed, or adapted to be detonated or exploded by the presence, proximity, or contact of a person.

(2) 1980 CONVENTIONAL WEAPONS CONVENTION.—The term "1980 Conventional Weapons Convention" means the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious or To Have Indiscriminate Effects, together with the protocols relating thereto, done at Geneva on October 10, 1980.

KERREY AMENDMENT NO. 1890

(Ordered to lie on the table.)

Mr. KERREY submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

Beginning on page 117, strike line 14 and all that follows through line 23.

PRYOR AMENDMENT NO. 1891

(Ordered to lie on the table.)

Mr. PRYOR submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 123, strike lines 1 and 2 and insert the following:

"SEC. 616. ANNUAL REPORT ON EFFECTIVENESS OF ARMS EXPORT CONTROL.

On page 123, lines 3, insert "(a) PERIODIC REPORTS.—" immediately before "The Under Secretary".

On page 123, line 6, strike "180 days" and insert "year".

On page 123, between lines 14 and 15, insert the following:

"(b) INSPECTOR GENERAL.—The Inspector General for Foreign Affairs, within 180 days of enactment, and on an annual basis thereafter until 1998, shall evaluate the effectiveness of the watchlist screening process at the Department of State. The report to Congress, which should be prepared in both a classified and unclassified version, on the evaluation shall include—

"(1) the number of licenses issued to parties on the watchlist, the number of end-use checks performed by the Department, and an assessment of the Department's decision to grant a license when an applicant is on a watchlist; and

"(2) the Inspector General's report shall determine if the watchlist contains all relevant information and parties required by statute or regulation.

"(c) ANNUAL MILITARY ASSISTANCE REPORT.—The Foreign Assistance Act of 1961 is amended by inserting after section 654 (22 U.S.C. 2414) the following new section:

"SEC. 657. ANNUAL MILITARY ASSISTANCE REPORT.

"(a) IN GENERAL.—Not later than February 1 of each year, the President shall transmit to the Congress an annual report for the fiscal year ending the previous September 30, showing the aggregate dollar value and quantity of defense articles (including excess defense articles) and defense services, and of military education and training, furnished by the United States to each foreign country and international organization, by category, specifying whether they were furnished by grant under chapter 2 or chapter 5 of part II of this Act, by sale under chapter 2 of the Arms Control Export Control Act, by commercial sale license under section 38 of that Act, or by any other authority.

"(b) ADDITIONAL CONTENTS OF REPORTS.—The report shall also include the total amount of military items of non-United States manufacture being imported into the United States. The report should contain the country of origin, the type of item being imported, and the total amount of items.".

DORGAN AMENDMENT NO. 1892

(Ordered to lie on the table.)

Mr. DORGAN submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 60, between lines 7 and 8, insert the following new section:

SEC. 207. LIMITATION ON FUNDS FOR THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT (OECD).

(a) LIMITATION.—Of the funds made available under section 201, not to exceed $50,000,000 may be made available in any fiscal year for the Organization for Economic Cooperation and Development (OECD), subject to subsection (b).

(b) CONDITION.—None of the funds made available under section 201 for the Organization for Economic Cooperation and Development may be obligated or expended until the President makes available for review by Congress the working documents used in the development of the recently finalized transfer pricing report of the Organization for Economic Cooperation and Development entitled the "Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations", including copies of all drafts, memoranda, written communications, comments, position papers, and other relevant written materials in possession of the Department of the Treasury that were prepared, received, used, or exchanged in connection with preparation and publication of the report.

(c) CLASSIFICATION OF DOCUMENTS.—Documents made available under subsection (b) may be transmitted in classified or unclassified form.

SIMON AMENDMENT NO. 1893

(Ordered to lie on the table.)

Mr. SIMON submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. 618. DESIGNATION OF THE INTERNATIONAL YEAR OF RESEARCH ON WATER RESOURCES.

It is the sense of the Congress that the President, acting through the United States Permanent Representative to the United Nations, should—

(1) urge the United Nations to designate 1997 as the International Year of Research on Water Resources and Desalination; and

(2) make arrangements for carrying out appropriate activities related to the designation of that year.

SIMON AMENDMENT NO. 1894

(Ordered to lie on the table.)

Mr. SIMON submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. 618. UNITED NATIONS DESALINATION FOR PEACE PROJECT.

It is the sense of the Congress that the President, acting through the United States Permanent Representatives to the United Nations, should urge the United Nations to establish an international desalination project, to be known as the Desalination for Peace Project, which would call for wealthy nations to donate funds for a joint research and development program to study desalination related problems, build facilities, and test concepts.

SIMON AMENDMENT NO. 1895

(Ordered to lie on the table.)

Mr. SIMON submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. ___. ANNUAL MILITARY ASSISTANCE REPORT.

The Foreign Assistance Act of 1961 is amended by inserting after section 654 (22 U.S.C. 2414) the following new section:

"SEC. 657. ANNUAL MILITARY ASSISTANCE REPORT.

"Not later than February 1 of each year, the President shall transmit to the Congress an annual report for the fiscal year ending the previous September 30, showing the aggregate dollar value and quantity of defense articles (including excess defense articles) and defense services, and of military education and training, furnished by the United States to each foreign country and international organization, by category, specifying whether they were furnished by grant under chapter 2 or chapter 5 of part II of this Act, by sale under chapter 2 of the Arms Control Export Control Act, by commercial sale license under section 38 of that Act, or by any other authority.".

BUMPERS (AND OTHERS) AMENDMENT NO. 1896

(Ordered to lie on the table.)

Mr. BUMPERS (for himself, Mr. BROWN, and Mr. DORGAN) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

At page 93, strike line 23 through page 94, line 13.

SIMON AMENDMENT NO. 1897

(Ordered to lie on the table.)

Mr. SIMON submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 54, strike lines 9 through 11 and insert the following: "$445,000,000 for each of the fiscal years 1996, 1997, 1998, and 1999 for the".

SIMON AMENDMENT NO. 1898

(Ordered to lie on the table.)

Mr. SIMON submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 84, strike lines 3 through 15.

BINGAMAN AMENDMENT NO. 1899

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following new sections:

SEC. . NONINTERVENTION CONCERNING ABORTION.

Section 104(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 215b(f)) is amended by adding at the end the following new paragraph:

"(4)(A) None of the funds made available to carry out this part may be used—

"(i) for any program, project, or activity that violates the laws of a foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited; or

"(ii) to lobby for or against abortion.

"(B) Subparagraph (A) shall not apply to activities in opposition to coercive abortion or involuntary sterilization."

SEC. . ELIGIBILITY OF NONGOVERNMENTAL AND MULTILATERAL ORGANIZATIONS.

(a) PROHIBITIONS.—None of the funds made available by the United States Government to foreign governments, international organizations, or nongovernmental organizations may be used to coerce any person to undergo sterilization or abortion or to accept any other method of fertility regulation. Nothing in this section alters existing statutory prohibitions against the use of United States funds for the performance of abortion.

(b) DETERMINATIONS OF ELIGIBILITY.—In determining eligibility for United States population assistance, the President shall not subject nongovernmental and multilateral organizations to requirements which are more restrictive than the requirements applicable to foreign governments for such assistance.

INOUYE (AND OTHERS) AMENDMENT NO. 1900

(Ordered to lie on the table.)

Mr. INOUYE (for himself, Mr. HATCH, Mr. AKAKA, Mr. COHEN, Mr. D'AMATO, Mr. FORD, Mr. HATFIELD, Mr. HOLLINGS, Mr. KENNEDY, and Mr. STEVENS) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

In section 401(8) of the bill, strike "$10,000,000 for the fiscal year 1996, $8,000,000 for the fiscal year 1997, $5,000,000 for the fiscal year 1998, and $5,000,000 for the fiscal year 1999" and insert "$20,000,000 for the fiscal year 1996, $18,000,000 for the fiscal year 1997, $15,000,000 for the fiscal year 1998, and $15,000,000 for the fiscal year 1999".

SPECTER (AND KERREY) AMENDMENT NO. 1901

(Ordered to lie on the table.)

Mr. SPECTER (for himself and Mr. KERREY) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

Beginning on page 69, strike line 1 and all that follows through line 5 on page 73 and insert the following:

SEC. 216. RESTRICTIONS ON INTELLIGENCE SHARING WITH THE UNITED NATIONS.

The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

"SEC. 12. RESTRICTIONS ON INTELLIGENCE SHARING WITH THE UNITED NATIONS.

"(a) PROVISION OF INTELLIGENCE INFORMATION TO THE UNITED NATIONS.—(1) No United States intelligence information may be provided to the United Nations or any organization affiliated with the United Nations, or to any officials or employees thereof, unless the President certifies to the appropriate committees of Congress that the Director of Central Intelligence (in this section referred to as the 'DCI'), in consultation with the Secretary of State and the Secretary of Defense, has established and implemented procedures, and has worked with the United Nations to ensure implementation of procedures, for protecting from unauthorized disclosure United States intelligence sources and methods connected to such information.

"(2) Paragraph (1) may be waived upon written certification by the President to the appropriate committees of Congress that providing such information to the United Nations or an organization affiliated with the United Nations, or to any officials or employees thereof, is in the national security interests of the United States.

"(b) PERIODIC AND SPECIAL REPORTS.—(1) The President shall report semiannually to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives on the types and volume of intelligence provided to the United Nations and the purposes for which it was provided during the period covered by the report. The President shall also report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives within 15 days after it has become known to the United States Government that there has been an unauthorized disclosure of intelligence provided by the United States to the United Nations.

"(2) The requirement for periodic reports under the first sentence of paragraph (1) shall not apply to the provision of intelligence that is provided only to, and for the use of, appropriately cleared United States Government personnel serving with the United Nations.

"(c) DELEGATION OF DUTIES.—The President may not delegate or assign the duties of the President under this section.

"(d) RELATIONSHIP TO EXISTING LAW.—Nothing in this section shall be construed to—

"(1) impair or otherwise affect the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure pursuant to section 103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(5)); or

"(2) supersede or otherwise affect the provisions of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

"(e) DEFINITION.—As used in this section, the term 'appropriate committees of Congress' means the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.".

LIEBERMAN AMENDMENT NO. 1902

(Ordered to lie on the table.)

Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 185, strike out line 1 and all that follows through page 210, line 3, and insert in lieu thereof the following:

TITLE XIII—RETENTION OF UNITED STATES INFORMATION AGENCY AS FEDERAL AGENCY

SEC. 1301. RETENTION.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, the United States Information shall not be abolished under this Act, but shall be retained as a Federal agency.

(2) Except as provided in subsection (b), no provision of this Act shall have force or take effect if the provision provides for the abolishment or consolidation of the United States Information Agency.

(b) EXCEPTIONS.—The following provisions of this Act shall continue to apply to the United States Information Agency:

(1) Section 1105(d), relating to the termination of functions of the Inspector General of the United States Information Agency.

(2) Section 1701(d)(1), relating to the transfer of functions of the Inspector General of the United States Information Agency to the Inspector General for Foreign Affairs of the Department of State.

(3) Section 1724(6)(G), relating to the treatment of the Office of the Inspector General

of the United States Information Agency as a transferor agency under title XVII.

(c) FUNDING FOR USIA IN FISCAL YEARS 1998 AND 1999.—There are authorized to be appropriated in fiscal years 1998 and 1999 such sums as may be necessary to carry out the activities referred to in section 401 (other than activities under the Inspector General Act of 1978).

SPECTER AMENDMENT NO. 1903

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

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

SEC. . JUDICIAL ASSISTANCE TO THE INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA AND TO THE INTERNATIONAL TRIBUNAL FOR RWANDA.

(a) SURRENDER OF PERSONS.—

(1) APPLICATION OF UNITED STATES EXTRADITION LAWS.—Except as provided in paragraphs (2) and (3), the provisions of chapter 209 of title 18, United States Code, relating to the extradition of persons to a foreign country pursuant to a treaty or convention for extradition between the United States and a foreign government, shall apply in the same manner and extent to the surrender of persons, including United States citizens, to—

(A) the International Tribunal for Yugoslavia, pursuant to the Agreement Between the United States and the International Tribunal for Yugoslavia; and

(B) the International Tribunal for Rwanda, pursuant to the Agreement Between the United States and the International Tribunal for Rwanda.

(2) EVIDENCE ON HEARINGS.—For purposes of applying section 3190 of title 18, United States Code, in accordance with paragraph (1), the certification referred to in the section may be made by the principal diplomatic or consular officer of the United States resident in such foreign countries where the International Tribunal for Yugoslavia or the International Tribunal for Rwanda may be permanently or temporarily situated.

(3) PAYMENT OF FEES AND COSTS.—(A) The provisions of the Agreement Between the United States and the International Tribunal for Yugoslavia and of the Agreement Between the United States and the International Tribunal for Rwanda shall apply in lieu of the provisions of section 3195 of title 18, United States Code, with respect to the payment of expenses arising from the surrender by the United States of a person to the International Tribunal for Yugoslavia or the International Tribunal for Rwanda, respectively, or from any proceedings in the United States relating to such surrender.

(B) The authority of subparagraph (A) may be exercised only to the extent and in the amounts provided in advance in appropriation Acts.

(4) NONAPPLICABILITY OF THE FEDERAL RULES.—The Federal Rules of Evidence and the Federal Rules of Criminal Procedure do not apply to proceedings for the surrender of persons to the International Tribunal for Yugoslavia or the International Tribunal for Rwanda.

(b) ASSISTANCE TO FOREIGN AND INTERNATIONAL TRIBUNALS AND TO LITIGANTS BEFORE SUCH TRIBUNALS.—Section 1782(a) of title 28, United States Code, is amended by inserting in the first sentence after "foreign or international tribunal" the following: ", including criminal investigations conducted prior to formal accusation".

(c) DEFINITIONS.—As used in this section:

(1) INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA.—The term "International Tribunal for Yugoslavia" means the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law in the Territory of the Former Yugoslavia, as established by United Nations Security Council Resolution 827 of May 25, 1993.

(2) INTERNATIONAL TRIBUNAL FOR RWANDA.—The term "International Tribunal for Rwanda" means the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States, as established by United Nations Security Council Resolution 955 of November 8, 1994.

(3) AGREEMENT BETWEEN THE UNITED STATES AND THE INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA.—The term "Agreement Between the United States and the International Tribunal for Yugoslavia" means the Agreement on Surrender of Persons Between the Government of the United States and the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Law in the Territory of the Former Yugoslavia, signed at The Hague, October 5, 1994.

(4) AGREEMENT BETWEEN THE UNITED STATES AND THE INTERNATIONAL TRIBUNAL FOR RWANDA.—The term "Agreement between the United States and the International Tribunal for Rwanda" means the Agreement on surrender of Persons Between the Government of the United States and the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States, signed at The Hague, January 24, 1995.

FAIRCLOTH AMENDMENT NO. 1904

(Ordered to lie on the table.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in S. 908 insert the following:

TITLE —SENSE OF THE SENATE THAT THE UNITED STATES SHOULD NOT FUND OR SUPPORT THE ESTABLISHMENT OF A NEW INTERNATIONAL BAILOUT FUND WITHIN THE INTERNATIONAL MONETARY FUND

(A) SENSE OF THE SENATE.—It is the sense of the Senate that no funds should be authorized to be appropriated for use directly or indirectly for the establishment of an emergency financing mechanism under the control of the International Monetary Fund or International Bank of Reconstruction and Development.

(B) Further, it is a sense of the Senate that the Secretary of the Treasury shall instruct the Executive Director of the United States to the International Monetary Fund and the Executive Director of the United States of the International Reconstruction and Development to oppose and vote against any proposal to establish an emergency financing mechanism as proposed by Group of Seven Nations in Halifax, Nova Scotia on June 16, 1995.

FAIRCLOTH AMENDMENT NO. 1905

(Ordered to lie on the table.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in S. 908 insert the following new Title:

TITLE —PREVENTION OF THE CREATION OF A NEW INTERNATIONAL BAILOUT FUND WITHIN THE INTERNATIONAL MONETARY FUND

(a) Section 286e-1k of title 22, United States Code, is amended by adding the following new paragraph:

"(c) LIMITATION ON USE OF FUNDS FOR INTERNATIONAL BAILOUTS.—Notwithstanding any other provision of law, no funds may be authorized to be appropriated for use directly or indirectly for the establishment of an emergency financing mechanism under the control of the International Monetary Fund or International Bank of Reconstruction and Development."

(b) Section 286dd of title 22, United States Code, is amended by adding the following new paragraph:

"(3) LIMITATION ON USE OF FUNDS FOR INTERNATIONAL BAILOUTS.—The Secretary of the Treasury shall instruct the Executive Director of the United States to the International Monetary Fund and the Executive Director of the United States of the International Reconstruction and Development to oppose and vote against any proposal to establish an emergency financing mechanism as proposed by Group of Seven Nations in Halifax, Nova Scotia on June 16, 1995."

KASSEBAUM (AND OTHERS) AMENDMENT NO. 1906

(Ordered to lie on the table.)

Mrs. KASSEBAUM (for herself, Mr. BINGAMAN, Mr. CHAFEE, Mr. JEFFORDS, Mr. LEAHY, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mrs. MURRAY, Mr. PACKWOOD, Ms. SNOWE, and Mr. SIMPSON) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following new sections:

SEC. . ELIGIBILITY OF NONGOVERNMENTAL AND MULTILATERAL ORGANIZATIONS.

(a) PROHIBITIONS.—None of the funds made available by the United States Government to foreign governments, international organizations, or nongovernmental organizations may be used to coerce any person to undergo sterilization or abortion or to accept any other method of fertility regulation. Nothing in this section alters existing statutory prohibitions against the use of United States funds for the performance of abortion.

(b) DETERMINATIONS OF ELIGIBILITY.—In determining eligibility for United States population assistance, the President shall not subject nongovernmental and multilateral organizations to requirements which are more restrictive than the requirements applicable to foreign governments for such assistance.

SMITH AMENDMENT NO. 1907

(Ordered to lie on the table.)

Mr. SMITH submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

SEC. . LIMITATIONS ON THE USE OF FUNDS FOR DIPLOMATIC FACILITIES IN VIETNAM.

None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay for any cost incurred for (1) opening or operating any United States diplomatic or consular post in the Socialist Republic of Vietnam that was not operating on July 11, 1995; (2) expanding any United States diplomatic or consular post in the Socialist Republic of Vietnam that was operating on July 11, 1995; or (3) increasing the total number of personnel assigned to United States diplomatic or consular posts in the Socialist Republic of Vietnam above the levels existing on July 11, 1995.

DOLE AMENDMENT NO. 1908

(Ordered to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. . SENSE OF SENATE REGARDING EXCLUSION OF FIDEL CASTRO FROM THE UNITED STATES.

It is the sense of the Senate that the President should exercise his authority to control immigration into the United States to direct the Attorney General not to waive United States immigration laws to allow the entry of Fidel Castro into the United States for any purpose, including attendance at an United Nations function.

DOLE AMENDMENT NO. 1909

(Ordered to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 60, between lines 7 and 8, insert the following:

SEC. 207. RESTRICTIONS ON PAYMENTS OF FUNDS TO UNITED NATIONS SPECIALIZED AGENCIES.

None of the funds made available under any provision of law for assessed or voluntary contributions to a specialized agency of the United Nations may be paid to such agency unless the Secretary of State submits a report to Congress containing—

(1) a determination that the purposes and activities of the agency are of sufficient benefit to United States citizens to merit United States payments to the agency;

(2) a listing of specific benefits received by United States citizens from the agency;

(3) a determination that the agency has received an unqualified audit from the United Nations Board of External Auditors in its most recent audit; and

(4) a determination that the agency employs the percentage of United States citizens called for in the United Nations' geographic distribution formulas for professional staff and for all other staff positions.

DOLE AMENDMENT NO. 1910

(Ordered to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place, insert:

TITLE ___—ESTABLISHMENT OF COMMISSION TO REVIEW WTO DISPUTE SETTLEMENT REPORTS

SEC. ___01. SHORT TITLE.

This title may be cited as the "WTO Dispute Settlement Review Commission Act".

SEC. ___02. CONGRESSIONAL FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The United States joined the WTO as an original member with the goal of creating an improved global trading system and providing expanded economic opportunities for United States firms and workers, while preserving United States sovereignty.

(2) The American people must receive assurances that United States sovereignty will be protected, and United States interests will be advanced, within the global trading system which the WTO will oversee.

(3) The WTO's dispute settlement rules are meant to enhance the likelihood that governments will observe their WTO obligations, and thus help ensure that the United States will reap the full benefits of its participation in the WTO.

(4) United States support for the WTO depends on obtaining mutual trade benefits through the openness of foreign markets and the maintenance of effective United States and WTO remedies against unfair or otherwise harmful trade practices.

(5) Congress passed the Uruguay Round Agreements Act based on its understanding that effective trade remedies would not be eroded. These remedies are essential to continue the process of opening foreign markets to imports of goods and services and to prevent harm to American industry and agriculture.

(6) In particular, WTO dispute settlement panels and the Appellate Body should—

(A) operate with fairness and in an impartial manner;

(B) not add to the obligations, or diminish the rights, of WTO members under the Uruguay Round Agreements; and

(C) observe the terms of reference and any applicable WTO standard of review.

(b) PURPOSE.—It is the purpose of this title to provide for the establishment of the WTO Dispute Settlement Review Commission to achieve the objectives described in subsection (a)(6).

SEC. ___03. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the WTO Dispute Settlement Review Commission (hereafter in this title referred to as the "Commission").

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 5 members all of whom shall be judges of the Federal judicial circuits and shall be appointed by the President, after consultation with the Majority Leader and Minority Leader of the House of Representatives, the Majority Leader and Minority Leader of the Senate, the chairman and ranking member of the Committee on Ways and Means of the House of Representatives, and the chairman and ranking member of the Committee on Finance of the Senate.

(2) DATE.—The appointments of the initial members of the Commission shall be made no later than 90 days after the date of the enactment of this title.

(c) PERIOD OF APPOINTMENT; VACANCIES.—

(1) IN GENERAL.—Members of the Commission first appointed shall each be appointed for a term of 5 years. After the initial 5-year term, 3 members of the Commission shall be appointed for terms of 3 years and the remaining 2 members shall be appointed for terms of 2 years.

(2) VACANCIES.—

(A) IN GENERAL.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment and shall be subject to the same conditions as the original appointment.

(B) UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

(d) INITIAL MEETING.—No later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) AFFIRMATIVE DETERMINATIONS.—An affirmative vote by a majority of the members of the Commission shall be required for any affirmative determination by the Commission under section ___04.

(h) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among its members.

SEC. ___04. DUTIES OF THE COMMISSION.

(a) REVIEW OF WTO DISPUTE SETTLEMENT REPORTS.—

(1) IN GENERAL.—The Commission shall review—

(A) all adverse reports of dispute settlement panels and the Appellate Body which are—

(i) adopted by the Dispute Settlement Body, and

(ii) the result of a proceeding initiated against the United States by a WTO member; and

(B) upon the request of the Trade Representative, any adverse report of a dispute settlement panel or the Appellate Body—

(i) which is adopted by the Dispute Settlement Body, and

(ii) in which the United States is a complaining party.

(2) SCOPE OF REVIEW.—With respect to any report the Commission reviews under paragraph (1), the Commission shall determine in connection with each adverse finding whether the panel or the Appellate Body, as the case may be—

(A) demonstrably exceeded its authority or its terms of reference;

(B) added to the obligations, or diminished the rights, of the United States under the Uruguay Round Agreement which is the subject of the report;

(C) acted arbitrarily or capriciously, engaged in misconduct, or demonstrably departed from the procedures specified for panels and the Appellate Body in the applicable Uruguay Round Agreement; and

(D) deviated from the applicable standard of review, including in antidumping or countervailing duty cases, the standard of review set forth in Article 17.6 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994.

(3) AFFIRMATIVE DETERMINATION.—The Commission shall make an affirmative determination under this paragraph with respect to the action of a panel or the Appellate Body, if the Commission determines that—

(A) any of the matters described in subparagraph (A), (B), (C), or (D) of paragraph (2) has occurred; and

(B) the action of the panel or the Appellate Body materially affected the outcome of the report of the panel or Appellate Body.

(b) DETERMINATION; REPORT.—

(1) DETERMINATION.—No later than 120 days after the date on which a report of a panel or

the Appellate Body described in subsection (a)(1) is adopted by the Dispute Settlement Body, the Commission shall make a written determination with respect to the matters described in paragraphs (2) and (3) of subsection (a).

(2) REPORTS.—The Commission shall promptly report the determinations described in paragraph (1) to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, each Member of the Congress, and the Trade Representative.

SEC. ___05. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold a public hearing to solicit views concerning a report of a dispute settlement panel or the Appellate Body described in section ___04(a)(1), if the Commission considers such hearing to be necessary to carry out the purpose of this title. The Commission shall provide reasonable notice of a hearing held pursuant to this subsection.

(b) INFORMATION FROM INTERESTED PARTIES AND FEDERAL AGENCIES.—

(1) NOTICE OF PANEL OR APPELLATE BODY REPORT.—The Trade Representative shall advise the Commission no later than 5 days after the date the Dispute Settlement Body adopts a report of a panel or the Appellate Body that is to be reviewed by the Commission under section ___04(a)(1).

(2) SUBMISSIONS AND REQUESTS FOR INFORMATION.—

(A) IN GENERAL.—The Commission shall promptly publish notice of the advice received from the Trade Representative in the Federal Register, along with notice of an opportunity for interested parties to submit written comments to the Commission. The Commission shall make comments submitted pursuant to the preceding sentence available to the public.

(B) INFORMATION FROM FEDERAL AGENCIES AND DEPARTMENTS.—The Commission may also secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this title. Upon the request of the Chairperson of the Commission, the head of such department or agency shall furnish the information requested to the Commission.

(3) ACCESS TO PANEL AND APPELLATE BODY DOCUMENTS.—

(A) IN GENERAL.—The Trade Representative shall make available to the Commission all submissions and relevant documents relating to a report of a panel or the Appellate Body described in section ___04(a)(1), including any information contained in such submissions identified by the provider of the information as proprietary information or information designated as confidential by a foreign government.

(B) PUBLIC ACCESS.—Any document which the Trade Representative submits to the Commission shall be available to the public, except information which is identified as proprietary or confidential.

(c) ASSISTANCE FROM FEDERAL AGENCIES; CONFIDENTIALITY.—

(1) ADMINISTRATIVE ASSISTANCE.—Any agency or department of the United States that is designated by the President shall provide administrative services, funds, facilities, staff, or other support services to the Commission to assist the Commission with the performance of the Commission's functions.

(2) CONFIDENTIALITY.—The Commission shall protect from disclosure any document or information submitted to it by a department or agency of the United States which the agency or department requests be kept confidential. The Commission shall not be considered to be an agency for purposes of section 552 of title 5, United States Code.

SEC. ___06. REVIEW OF DISPUTE SETTLEMENT PROCEDURES AND PARTICIPATION IN THE WTO.

(a) AFFIRMATIVE REPORT BY COMMISSION.—

(1) IN GENERAL.—If the Commission makes an affirmative decision under section ___04(a)(3), the President shall undertake negotiations to amend or modify the rules and procedures of the Uruguay Round Agreement to which such affirmative decision relates.

(2) 3 AFFIRMATIVE REPORTS BY COMMISSION.—If a joint resolution described in subsection (b) is enacted into law pursuant to the provisions of subsection (c), the approval of the Congress, provided for under section 101(a) of the Uruguay Round Agreements Act, of the WTO Agreement shall cease to be effective in accordance with the provisions of the joint resolution.

(b) JOINT RESOLUTION DESCRIBED.—For purposes of subsection (a)(2), a joint resolution is described in this paragraph if it is a joint resolution of the 2 Houses of Congress and the matter after the resolving clause of such joint resolution is as follows: "That, in light of the 3 affirmative reports submitted to the Congress by the WTO Dispute Settlement Review Commission during the preceding 5-year period, and the failure to remedy the problems identified in the reports through negotiations, it is no longer in the overall national interest of the United States to be a member of the WTO, and accordingly the Congress withdraws its approval, provided under section 101(a) of the Uruguay Round Agreements Act, of the WTO Agreement as defined in section 2(9) of that Act.".

(c) PROCEDURAL PROVISIONS.—

(1) IN GENERAL.—The requirements of this subsection are met if—

(A) the joint resolution is enacted in accordance with this subsection, and—

(B) the Commission has submitted 3 affirmative reports pursuant to section ___04(b)(2) during a 5-year period, and the Congress adopts and transmits the joint resolution to the President before the end of the 90-day period (excluding any day described in section 154(b) of the Trade Act of 1974) beginning on the date on which the Congress receives the third such affirmative report.

(2) PRESIDENTIAL VETO.—In any case in which the President vetoes the joint resolution, the requirements of this subsection are met if each House of Congress votes to override that veto on or before the later of the last day of the 90-day period referred to in subparagraph (B) of paragraph (1), or the last day of the 15-day period (excluding any day described in section 154(b) of the Trade Act of 1974) beginning on the date on which the Congress receives the veto message from the President.

(3) INTRODUCTION.—

(A) TIME.—A joint resolution to which this section applies may be introduced at any time on or after the date on which the Commission transmits to the Congress an affirmative report pursuant to section ___04(b)(2), and before the end of the 90-day period referred to in subparagraph (B) of paragraph (1).

(B) ANY MEMBER MAY INTRODUCE.—A joint resolution described in subsection (b) may be introduced in either House of the Congress by any Member of such House.

(4) EXPEDITED PROCEDURES.—

(A) GENERAL RULE.—Subject to the provisions of this subsection, the provisions of subsections (b), (d), (e), and (f) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192(b), (d), (e), and (f)) apply to joint resolutions described in subsection (b) to the same extent as such provisions apply to resolutions under such section.

(B) REPORT OR DISCHARGE OF COMMITTEE.—If the committee of either House to which a joint resolution has been referred has not reported it by the close of the 45th day after its introduction (excluding any day described in section 154(b) of the Trade Act of 1974), such committee shall be automatically discharged from further consideration of the joint resolution and it shall be placed on the appropriate calendar.

(C) FINANCE AND WAYS AND MEANS COMMITTEES.—It is not in order for—

(i) the Senate to consider any joint resolution unless it has been reported by the Committee on Finance or the committee has been discharged under subparagraph (B); or

(ii) the House of Representatives to consider any joint resolution unless it has been reported by the Committee on Ways and Means or the committee has been discharged under subparagraph (B).

(D) SPECIAL RULE FOR HOUSE.—A motion in the House of Representatives to proceed to the consideration of a joint resolution may only be made on the second legislative day after the calendar day on which the Member making the motion announces to the House his or her intention to do so.

(5) CONSIDERATION OF SECOND RESOLUTION NOT IN ORDER.—It shall not be in order in either the House of Representatives or the Senate to consider a joint resolution (other than a joint resolution received from the other House), if that House has previously adopted a joint resolution under this section relating to the same matter.

(d) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

SEC. ___07. DEFINITIONS.

For purposes of this title:

(1) AFFIRMATIVE REPORT.—The term "affirmative report" means a report described in section ___04(b)(2) which contains affirmative determinations made by the Commission under paragraph (3) of section ___04(a).

(2) ADVERSE FINDING.—The term "adverse finding" means—

(A) in a panel or Appellate Body proceeding initiated against the United States, a finding by the panel or the Appellate Body that any law or regulation of, or application thereof by, the United States is inconsistent with the obligations of the United States under a Uruguay Round Agreement (or nullifies or impairs benefits accruing to a WTO member under such an Agreement); or

(B) in a panel or Appellate Body proceeding in which the United States is a complaining party, any finding by the panel or the Appellate Body that a measure of the party complained against is not inconsistent with that party's obligations under a Uruguay Round Agreement (or does not nullify or impair benefits accruing to the United States under such an Agreement).

(3) APPELLATE BODY.—The term "Appellate Body" means the Appellate Body established by the Dispute Settlement Body pursuant to Article 17.1 of the Dispute Settlement Understanding.

(4) DISPUTE SETTLEMENT PANEL; PANEL.—The terms "dispute settlement panel" and "panel" mean a panel established pursuant to Article 6 of the Dispute Settlement Understanding.

(5) DISPUTE SETTLEMENT BODY.—The term "Dispute Settlement Body" means the Dispute Settlement Body established pursuant to the Dispute Settlement Understanding.

(6) DISPUTE SETTLEMENT UNDERSTANDING.—The term "Dispute Settlement Understanding" means the Understanding on Rules and Procedures Governing the Settlement of Disputes referred to in section 101(d)(16) of the Uruguay Round Agreements Act.

(7) TERMS OF REFERENCE.—The term "terms of reference" has the meaning given such term in the Dispute Settlement Understanding.

(8) TRADE REPRESENTATIVE.—The term "Trade Representative" means the United States Trade Representative.

(9) URUGUAY ROUND AGREEMENT.—The term "Uruguay Round Agreement" means any of the Agreements described in section 101(d) of the Uruguay Round Agreements Act.

(10) WORLD TRADE ORGANIZATION; WTO.—The terms "World Trade Organization" and "WTO" mean the organization established pursuant to the WTO Agreement.

(11) WTO AGREEMENT.—The term "WTO Agreement" means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

DOLE (AND OTHERS) AMENDMENT NO. 1911

(Ordered to lie on the table.)

Mr. DOLE (for himself, Ms. SNOWE, and Mr. LOTT) submitted an amendment intended to be proposed by them to the bill S. 908, supra; as follows:

On page 78, line 19, strike "subparagraph (B)" and insert "subparagraphs (B) and (C)".

On page 79, line 5, strike "The" and insert "Subject to paragraph (3), the".

On page 81, between lines 2 and 3, insert the following new paragraph:

(3) In addition to the requirements of paragraph (2), the authorization of appropriations under paragraph (1) shall take effect only after the Secretary of State determines and certifies to the appropriate congressional committees that no funds made available to the Department of State were obligated or expended for United States participation in the United Nations Fourth World Conference on Women while Harry Wu, a United States citizen, was detained by the People's Republic of China.

DOLE (AND OTHERS) AMENDMENT NO. 1912

(Ordered to lie on the table.)

Mr. DOLE (for himself, Ms. SNOWE, and Mr. LOTT) submitted an amendment intended to be proposed by them to the bill S. 908, supra; as follows:

On page 78, line 19, strike "subparagraph (B)" and insert "subparagraphs (B) and (C)".

On page 79, line 5, strike "The" and insert "Subject to paragraph (3), the".

On page 81, line 3, add the following:

(c) FURTHER CONDITIONAL AUTHORITY.—

(1) Of the funds authorized to be appropriated for fiscal year 1996, in (a), $3,500,000 shall be withheld from obligation until the Secretary of State certifies to the appropriate congressional committees, with respect to the United Nations Fourth World Conference on Women being held in Beijing, that no funds available to the Department of State were obligated or expended for United States participation in the United Nations Fourth World Conference on Women while Harry Wu, a United States citizen, was detained by the People's Republic of China.

(2) If the Secretary of State cannot make the certification in Section 301(c)(1), the withheld funds shall be returned to the U.S. Treasury.

DOLE AMENDMENT NO. 1913

(Ordered to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to the bill S. 908, supra; as follows:

On page 60, between lines 7 and 8, insert the following:

Of the funds authorized to be appropriated for fiscal year 1996 under section 201 of this Act, $100,000,000 shall be withheld from obligation and expenditure until the President certifies that Libya will not be granted membership of any type on the United Nations Security Council in fiscal year 1996.

HELMS AMENDMENT NO. 1914

Mr. HELMS proposed an amendment to the bill S. 908, supra; as follows:

Beginning on page 11, strike line 14 and all that follows through line 4 on page 12.

On page 13, strike lines 6 through 12 and insert the following:

SEC. 121. LEASE-PURCHASE OF OVERSEAS PROPERTY.

(a) AUTHORITY FOR LEASE-PURCHASE.—Subject to subsections (b) and (c), the Secretary is authorized to acquire by lease-purchase such properties as are described in subsection (b), if—

(1) the Secretary of State, and

(2) the Director of the Office of Management and Budget,

certify and notify the appropriate committees of Congress that the lease-purchase arrangement will result in a net cost savings to the Federal government when compared to a lease, a direct purchase, or direct construction of comparable property.

(b) LOCATIONS AND LIMITATIONS.—The authority granted in subsection (a) may be exercised only—

(1) to acquire appropriate housing for Department of State personnel stationed abroad and for the acquisition of other facilities, in locations in which the United States has a diplomatic mission; and

(2) during fiscal years 1996 through 1999.

(c) AUTHORIZATION OF FUNDING.—Funds for lease-purchase arrangements made pursuant to subsection (a) shall be available from amounts appropriated under the authority of section 111(a)(3) (relating to the Acquisition and Maintenance of Buildings Abroad" account).

Beginning on page 18, strike line 1 and all that follows through line 2 on page 21 and insert the following:

SEC. ___. DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.

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

(1) The Diplomatic Telecommunications Service Program Office (hereafter in this section referred to as "DTS-PO") has made significant enhancements to upgrade the worldwide DTS network with high speed, high capacity circuitry as well as improvements at United States embassies and consulates to enhance utilization of the network.

(2) Notwithstanding the improvements that the DTS-PO has made to the DTS network, the current management structure needs to be strengthened to provide a clearly delineated, accountable management authority for the DTS-PO and the DTS network.

(b) REPORT REQUIRED.—No later than three months after the date of enactment of this Act, the two agencies providing the greatest funding to DTS-PO shall submit to the appropriate committees of Congress—

(1) a DTS-PO management plan—

(A) setting forth the organization, mission and functions of each major element of the DTS-PO; and

(B) designating an entity at each overseas post, or providing a mechanism for the designation of such an entity, which will be responsible for the day-to-day administration of the DTS-PO operations; and

(2) a DTS-PO strategic plan containing—

(A) future customer requirements, validated by the DTS customer organizations;

(B) a system configuration for the DTS network which will meet the future telecommunications needs of the DTS customer agencies;

(C) a funding profile to achieve the system configuration for the DTS network;

(D) a transition strategy to move to the system configuration for the DTS network;

(E) a reimbursement plan to cover the direct and indirect costs of operating the DTS network; and

(F) an allocation of funds to cover the costs projected to be incurred by each of the agencies or other entities utilizing DTS to maintain DTS, to upgrade DTS, and to provide for future demands for DTS.

(c) DEFINITION.—As used in this section, the term "appropriate committees of Congress" means the Select Committee on Intelligence, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate and the Permanent Select Committee on Intelligence, the Committee on International Relations, and the Committee on Appropriations of the House of Representatives.

Beginning on page 47, strike line 18 and all that follows through page 49, line 15, and insert in lieu thereof the following:

"(ii) As used in this subparagraph:

"(I) CONFISCATED.—The term "confiscated" refers to—

"(aa) the nationalization, expropriation, or other seizure of ownership or control of property, on or after January 1, 1959—

"(AA) without the property having been returned or adequate and effective compensation provided or in violation of the law of the place where the property was situated when the confiscation occurred; or

"(BB) without the claim to the property having been settled pursuant to an international claims settlement agreement or other recognized settlement procedure; or

"(bb) the repudiation of, the default on, or the failure to pay, on or after January 1, 1959—

"(AA) a debt by any enterprise which has been confiscated;

"(BB) a debt which is a charge on property confiscated; or

"(CC) a debt incurred in satisfaction or settlement of a confiscated property claim.

"(II) PROPERTY.—The term "property" means any property, whether real, personal,

or mixed, and any present, future, or contingent right or security of other interest therein, including any leasehold interest.

"(III) TRAFFIC.—The term "traffic" means that a person knowingly and intentionally—

"(aa) sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, obtains control of, manages, uses, or otherwise acquires an interest in confiscated property;

"(bb) engages in a commercial activity using or otherwise benefitting from a confiscated property; or

"(cc) causes, directs, participates in, or profits from, activities of another person described in subclause (aa) or (bb), or otherwise engages in the activities described in subclause (aa) or (bb)

without the authorization of the national of the United States who holds a claim to the property.

On page 50, between lines 14 and 15, insert the following new subsection:

(c) REPORTING REQUIREMENT.—(1) The United States Embassy in each country shall provide to the Secretary of State a report listing those foreign nationals who have confiscated, converted, or trafficked in property the claim to which is held by a United States national and in which the confiscation claim has not been fully resolved.

(2) Beginning six months after the date of enactment of this Act, and every year thereafter, the Secretary of State shall submit to the appropriate congressional committees a list of those foreign nationals who—

(A) have confiscated, converted, or trafficked in property the claim to which is held by a United States national and in which the confiscation claim has not been fully resolved; and

(B) have been excluded from entry into the United States.

On page 58, line 10, insert "and" after "operations;".

On page 58, strike lines 13 through 15.

On page 58, line 8, insert "relevant" after "all";".

On page 59, line 9, strike "has provided, and".

On page 59, beginning on line 19, strike "for" and all that follows through "thereafter," on line 20 and insert "under this Act for each of the fiscal years 1996, 1997, 1998, and 1999".

On page 104, between lines 16 and 17, insert the following new sections:

SEC. 420. MANSFIELD FELLOWSHIP PROGRAM REQUIREMENTS.

Section 253(4)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6102(4)(B)) is amended by striking "certain" and inserting the following: ", under criteria established by the Mansfield Center for Pacific Affairs, certain allowances and benefits not to exceed the amount of equivalent".

SEC. 421. DISTRIBUTION WITHIN THE UNITED STATES OF THE UNITED STATES INFORMATION AGENCY FILM ENTITLED "THE FRAGILE RING OF LIFE".

Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461–1(a)) and the second sentence of section 501 of the United States Information and Education Act of 1948 (22 U.S.C. 1461), the Director of the United States Information Agency may make available for distribution within the United States the documentary entitled "The Fragile Ring of Life", a film about coral reefs around the world.

On page 107, strike lines 3 through 6.

On page 107, line 7, strike "(4)" and insert "(3)"

On page 107, line 11, strike "(5)" and insert "(4)".

On page 107, line 15, strike "(6)" and insert "(5)".

On page 107, line 20, strike "(7)" and insert "(6)".

On page 107, line 22, strike "(8)" and insert "(7)".

On page 112, strike lines 19 through 22.

On page 112, line 23, strike "(7)" and insert "(6)".

On page 118, strike line 1 and all that follows through line 11 on page 121.

On page 124, after line 20, insert the following:

SEC. 618. MIDDLE EAST PEACE FACILITATION ACT OF 1995.

(a) SHORT TITLE.—This section may be cited as the "Middle East Peace Facilitation Act of 1995".

(b) FINDINGS.—The Congress finds that—

(1) the Palestine Liberation Organization (in this section referred to as the "PLO") has recognized the State of Israel's right to exist in peace and security; accepted United Nations Security Council Resolutions 242 and 338; committed itself to the peace process and peaceful coexistence with Israel, free from violence and all other acts which endanger peace and stability; and assumed responsibility over all PLO elements and personnel in order to assure their compliance, prevent violations, and discipline violators;

(2) Israel has recognized the PLO as the representative of the Palestinian people;

(3) Israel and the PLO signed a Declaration of Principles on Interim Self-Government Arrangements (in this section referred to as the "Declaration of Principles") on September 13, 1993, at the White House;

(4) Israel and the PLO signed an Agreement on the Gaza Strip and the Jericho Area (in this section referred to as the "Gaza-Jericho Agreement") on May 4, 1994, which established a Palestinian Authority for the Gaza and Jericho areas;

(5) Israel and the PLO signed an Agreement on Preparatory Transfer of Powers and Responsibilities (in this section referred to as the "Early Empowerment Agreement") on August 29, 1994, which provided for the transfer to the Palestinian Authority of certain powers and responsibilities in the West Bank outside of the Jericho Area;

(6) under the terms of the Declaration of Principles, the Gaza-Jericho Agreement and the Early Empowerment Agreement, the powers and responsibilities of the Palestinian Authority are to be assumed by an elected Palestinian Council with jurisdiction in the West Bank and Gaza Strip in accordance with the Interim Agreement to be concluded between Israel and the PLO;

(7) permanent status negotiations relating to the West Bank and Gaza Strip are scheduled to begin by May 1996;

(8) the Congress has, since the conclusion of the Declaration of Principles and the PLO's renunciation of terrorism, provided authorities to the President to suspend certain statutory restrictions relating to the PLO, subject to Presidential certifications that the PLO has continued to abide by commitments made in and in connection with or resulting from the good faith implementation of, the Declaration of Principles;

(9) the PLO commitments relevant to Presidential certifications have included commitments to renounce and condemn terrorism, to submit to the Palestinian National Council for formal approval the necessary changes to those articles of the Palestinian Covenant which call for Israel's destruction, and to prevent acts of terrorism and hostilities against Israel; and

(10) the President, in exercising the authorities described in paragraph (8), has certified to the Congress on four occasions that the PLO was abiding by its relevant commitments.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that although the PLO has recently shown improvement in its efforts to fulfill its commitments, the PLO must do far more to demonstrate an irrevocable denunciation of terrorism and ensure a peaceful settlement of the Middle East dispute, and in particular the PLO must—

(1) submit to the Palestine National Council for formal approval the necessary changes to those articles of the Palestinian National Covenant which call for Israel's destruction;

(2) make greater efforts to preempt acts of terror, to discipline violators, and to contribute to stemming the violence that has resulted in the deaths of 123 Israeli citizens since the signing of the Declaration of Principles;

(3) prohibit participation in its activities and in the Palestinian Authority and its successors by any groups or individuals which continue to promote and commit acts of terrorism;

(4) cease all anti-Israel rhetoric, which potentially undermines the peace process;

(5) confiscate all unlicensed weapons and restrict the issuance of licenses to those with legitimate need;

(6) transfer any person, and cooperate in transfer proceedings relating to any person, accused by Israel of acts of terrorism; and

(7) respect civil liberties, human rights and democratic norms.

(d) AUTHORITY TO SUSPEND CERTAIN PROVISIONS.—

(1) IN GENERAL.—Subject to paragraph (2), beginning on the date of enactment of this Act and for 18 months thereafter the President may suspend for a period of not more than 6 months at a time any provision of law specified in paragraph (4). Any such suspension shall cease to be effective after 6 months, or at such earlier date as the President may specify.

(2) CONDITIONS.—

(A) CONSULTATIONS.—Prior to each exercise of the authority provided in paragraph (1) or certification pursuant to paragraph (3), the President shall consult with the relevant congressional committees. The President may not exercise that authority to make such certification until 30 days after a written policy justification is submitted to the relevant congressional committees.

(B) PRESIDENTIAL CERTIFICATION.—The President may exercise the authority provided in paragraph (1) only if the President certifies to the relevant congressional committees each time he exercises such authority that—

(i) it is in the national interest of the United States to exercise such authority;

(ii) the PLO continues to comply with all the commitments described in subparagraph (D); and

(iii) funds provided pursuant to the exercise of this authority and the authorities under section 583(a) of Public Law 103–236 and section 3(a) of Public Law 103–125 have been used for the purposes for which they were intended.

(C) REQUIREMENT FOR CONTINUING PLO COMPLIANCE.—

(i) The President shall ensure that PLO performance is continuously monitored, and

if the President at any time determines that the PLO has not continued to comply with all the commitments described in subparagraph (D), he shall so notify the appropriate congressional committees. Any suspension under paragraph (1) of a provision of law specified in paragraph (4) shall cease to be effective.

(ii) Beginning six months after the date of enactment of this Act, if the President on the basis of the continuous monitoring of the PLO's performance determines that the PLO is not complying with the requirements described in paragraph (3), he shall so notify the appropriate congressional committees and no assistance shall be provided pursuant to the exercise by the President of the authority provided by paragraph (1) until such time as the President makes the certification provided for in paragraph (3).

(D) PLO COMMITMENTS DESCRIBED.—The commitments referred to in subparagraphs (B) and (C)(i) are the commitments made by the PLO—

(i) in its letter of September 9, 1993, to the Prime Minister of Israel and in its letter of September 9, 1993, to the Foreign Minister of Norway to—

(I) recognize the right of the State of Israel to exist in peace and security;

(II) accept United Nations Security Council Resolutions 242 and 338;

(III) renounce the use of terrorism and other acts of violence;

(IV) assume responsibility over all PLO elements and personnel in order to assure their compliance, prevent violations, and discipline violators;

(V) call upon the Palestinian people in the West Bank and Gaza Strip to take part in the steps leading to the normalization of life, rejecting violence and terrorism, and contributing to peace and stability; and

(VI) submit to the Palestine National Council for formal approval the necessary changes to the Palestinian National Covenant eliminating calls for Israel's destruction; and

(ii) in, and resulting from, the good faith implementation of the Declaration of Principles, including good faith implementation of subsequent agreements with Israel, with particular attention to the objective of preventing terrorism, as reflected in the provisions of the Gaza-Jericho Agreement concerning—

(I) prevention of acts of terrorism and legal measures against terrorists;

(II) abstention from and prevention of incitement, including hostile propaganda;

(III) operation of armed forces other than the Palestinian Police;

(IV) possession, manufacture, sale, acquisition, or importation of weapons;

(V) employment of police who have been convicted of serious crimes or have been found to be actively involved in terrorist activities subsequent to their employment;

(VI) transfers to Israel of individuals suspected of, charged with, or convicted of an offense that falls within Israeli criminal jurisdiction;

(VII) cooperation with the Government of Israel in criminal matters, including cooperation in the conduct of investigations; and

(VIII) exercise of powers and responsibilities under the agreement with due regard to internationally accepted norms and principles of human rights and the rule of law.

(E) POLICY JUSTIFICATION.—As part of the President's written policy justification to be submitted to the relevant congressional committees pursuant to subparagraph (A), the President shall report on—

(i) the manner in which the PLO has complied with the commitments specified in subparagraph (D), including responses to individual acts of terrorism and violence, actions to discipline perpetrators of terror and violence, and actions to preempt acts of terror and violence;

(ii) the extent to which the PLO has fulfilled the requirements specified in paragraph (3);

(iii) actions that the PLO has taken with regard to the Arab League boycott of Israel;

(iv) the status and activities of the PLO office in the United States; and

(v) the status of United States and international assistance efforts in the areas subject to jurisdiction of the Palestinian Authority or its successors.

(3) REQUIREMENT FOR CONTINUED PROVISION OF ASSISTANCE.—Six months after the date of enactment of this Act, no assistance shall be provided pursuant to the exercise by the President of the authority provided by paragraph (1), unless and until the President determines and so certifies to the Congress that—

(A) if the Palestinian Council has been elected and assumed its responsibilities, the Council has, within a reasonable time, effectively disavowed the articles of the Palestine National Covenant which call for Israel's destruction, unless the necessary changes to the Covenant have already been submitted to the Palestine National Council for formal approval;

(B) the PLO has exercised its authority resolutely to establish the necessary enforcement institution, including laws, police, and a judicial system, for apprehending, prosecuting, convicting, and imprisoning terrorists;

(C) the PLO has limited participation in the Palestinian Authority and its successors to individuals and groups in accordance with the terms that may be agreed with Israel;

(D) the PLO has not provided any financial or material assistance or training to any group, whether or not affiliated with the PLO to carry out actions inconsistent with the Declaration of Principles, particularly acts of terrorism against Israel;

(E) the PLO has cooperated in good faith with Israeli authorities in the preemption of acts of terrorism and in the apprehension and trial of perpetrators of terrorist acts in Israel, territories controlled by Israel, and all areas subject to jurisdiction of the Palestinian Authority and its successors; and

(F) the PLO has exercised its authority resolutely to enact and implement laws requiring the disarming of civilians not specifically licensed to possess or carry weapons.

(4) PROVISIONS THAT MAY BE SUSPENDED.—The provisions that may be suspended under the authority of paragraph (1) are the following:

(A) Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) as it applies with respect to the PLO or entities associated with it.

(B) Section 114 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (22 U.S.C. 287e note) as it applies with respect to the PLO or entities associated with it.

(C) Section 1003 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 5202).

(D) Section 37 of the Bretton Woods Agreement Act (22 U.S.C. 286W) as it applies to the granting to the PLO of observer status or other official status at any meeting sponsored by or associated with International Monetary Fund. As used in this subparagraph, the term "other official status" does not include membership in the International Monetary Fund.

(5) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—As used in this subsection, the term "relevant congressional committees" means—

(A) the Committee on International Relations, the Committee on Banking, Finance and Urban Affairs, and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

SEC. 619. DEFENSE DRAWDOWN FOR JORDAN.

(a) AUTHORITY.—(1) In addition to the authority provided in section 506(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)), the President may, for purposes of part II of that Act, direct the drawdown for Jordan during fiscal year 1996 of—

(A) defense articles from the stocks of the Department of Defense;

(B) defense services from the Department; and

(C) military education and training.

(2) The aggregate value of the articles, services, and education and training drawn down under paragraph (1) during fiscal year 1996 may not exceed $100,000,000.

(b) NOTIFICATION REQUIREMENT.—The President may not exercise the authority in subsection (a) to drawdown articles, services, or education and training unless the President notifies Congress of each such intended exercise in accordance with the procedures for notification of the exercise of special authority set forth in section 652 of the Foreign Assistance Act of 1961 (22 U.S.C. 2411).

(c) FUNDING LIMITATIONS.—(1)(A) No funds made available for the Department of Defense may be utilized for the purposes of the drawdown of articles, services, and education and training authorized under this section.

(B) For purposes of this paragraph, funds available to the Department of Defense are any funds derived from or available under budget function 050.

(2) Funds may not be utilized for the purposes of a drawdown under this section unless funds for such drawdown are specifically made available in an appropriations Act.

Beginning on page 172, strike line 19 and all that follows through line 5 on page 173 and insert the following:

SEC. 1110. PROCEDURES FOR COORDINATION OF GOVERNMENT PERSONNEL AT OVERSEAS POSTS.

(a) AMENDMENT OF THE FOREIGN SERVICE ACT OF 1980.—Section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following:

"(c)(1) In carrying out subsection (b), the head of each department, agency, or other entity of the executive branch of Government shall ensure that, in coordination with the Department of State, the approval of the chief of mission to a foreign country is sought on any proposed change in the size, composition, or mandate of employees of the respective department, agency, or entity (other than employees under the command of a United States area military commander) if the employees are performing duties in that country.

"(2) In seeking the approval of the chief of mission under paragraph (1), the head of a department, agency, or other entity of the

executive branch of Government shall comply with the procedures set forth in National Security Decision Directive Number 38, as in effect on June 2, 1982, and the implementing guidelines issued thereunder.

"(d) The Secretary of State, in the sole discretion of the Secretary, may accord diplomatic titles, privileges, and immunities to employees of the executive branch of Government who are performing duties in a foreign country.".

(b) REVIEW OF PROCEDURES FOR COORDINATION.—(1) The President shall conduct a review of the procedures contained in National Security Decision Directive Number 38, as in effect on June 2, 1982, and the practices in implementation of those procedures, to determine whether the procedures and practices have been effective to enhance significantly the coordination among the several departments, agencies, and entities of the executive branch of Government represented in foreign countries.

(2) Not later than 180 days after the date of enactment of this Act, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report containing the findings of the review conducted under paragraph (1), together with any recommendations for legislation as the President may determine to be necessary.

On page 208, strike lines 8 through 11 and insert the following:

SEC. 1327. MIKE MANSFIELD FELLOWSHIPS.

Part C of title II of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6101 et seq.) is amended—

(1) by striking "Director of the United States Information Agency" each place it appears and inserting "Secretary of State"; and

(2) by striking "United States Information Agency" each place it appears and inserting "Department of State".

Beginning on page 216, strike line 4 and all that follows through line 22 on page 217 and insert the following:

SEC. 1501. SENSE OF CONGRESS REGARDING UNITED NATIONS REFORM.

It is the sense of Congress that—

(1) the 50th anniversary of the United Nations provides an important opportunity for a comprehensive review of the strengths and weaknesses of the United Nations and for the identification and implementation of changes in the United Nation that would improve its ability to discharge effectively the objectives of the United Nations set forth in the United Nations Charter;

(2) the structure of the United Nations system, which has evolved over 50 years, should be subject to a comprehensive review in order to identify the changes to the system that will best serve the interests of the United States and of the international community;

(3) the United States, as the strongest member state of the United Nations, should lead this comprehensive review;

(4) reforms that produce a smaller, more focused, more efficient United Nations with clearly defined missions are in the interest of the United States and of the United Nations;

(5) the United States should develop a unified position in support of reforms at the United Nations that are broadly supported by both the legislative branch and the executive branch;

(6) the need for reform of the United Nations is urgent; and

(7) the failure to develop and implement promptly a strategic reorganization of the United Nations will result in a continued diminution of the relevance of the United Nations to United States foreign policy and to international politics generally.

SEC. 1502. UNITED NATIONS REORGANIZATION PLAN.

(a) REQUIREMENT FOR PLAN.—The President shall submit to Congress, together with the budget submitted pursuant to section 1105 of title 31, United States Code, for fiscal year 1997, a plan recommending a strategic reorganization of the United Nations.

(b) REQUIREMENT RELATING TO DEVELOPMENT.—The President shall develop the plan in consultation with Congress.

(c) PLAN ELEMENTS.—The plan should include the elements described in section 1503 and such other recommendations as may be necessary to achieve the efficient, cost-effective conduct of the responsibilities of the United Nations.

SEC. 1503. CONTENTS OF REORGANIZATION PLAN.

It is the sense of the Congress that the reorganization plan required by section 1502(a) should—

(1) constitute a comprehensive statement of United States policy toward reform of the United Nations;

(2) set forth an agenda to implement the reforms set forth in the plan in a timely manner;

(3) include specific proposals to achieve—

(A) a substantial reduction in the number of agencies within the United Nations system, including proposals to consolidate, abolish, or restructure mechanisms for financing agencies of the United Nations that have a low priority;

(B) the identification and strengthening of the core agencies of the United Nations system that most directly serve the objectives of the United Nations set forth in the United Nations Charter;

(C) the increased cooperation, and the elimination of duplication, among United Nations agencies and programs consistent with the principle of a unitary United Nations;

(D) the consolidation of the United Nations technical cooperation activities between the United Nations Headquarters and the offices of the United Nations in Geneva, Switzerland, including the merger of the technical cooperation functions of the United Nations Development Program (UNDP), the United Nations Population Fund (UNFPA), the United Nations Environmental Program (UNEP), the United Nations Industrial Development Organization (UNIDO), the International Fund for Agricultural Development (IFAD), the United Nations Capital Development Fund (UNCDF), and the United Nations Development Fund for Women (UNIFEM);

(E) the consolidation of the United Nations emergency response mechanism by merging the emergency functions of relevant United Nations agencies, including the United Nations Children's Fund, the World Food Program, and the Office of the United Nations High Commissioner for Refugees;

(F) a substantial reduction in, or elimination of, the cost and number of international conferences sponsored by the United Nations;

(G) a significant strengthening of the administrative and management capabilities of the Secretary General of the United Nations, including a cessation of the practice of reserving top Secretariat posts for citizens of particular countries;

(H) a significant increase in the openness to the public of the budget decision-making procedures of the United Nations; and

(I) the establishment of a truly independent inspector general at the United Nations;

(4) include proposals to coordinate and implement proposals for reform of the United Nations such as those proposals set forth in the communique of the 21st annual summit of the Heads of State and Government of the seven major industrialized nations and the President of the European Commission at Halifax, Nova Scotia, dated June 15–17, 1995; and

(4) include proposals for amendments to the United Nations Charter that would promote the efficiency, focus, and cost-effectiveness of the United Nations and the ability of the United Nations to achieve the objectives of the United Nations set forth in the United Nations Charter.

On page 218, line 15, "$30,000,000,000" and insert "$3,000,000,000".

On page 251, below line 22, add the following:

(g) ADDITIONAL REQUIREMENTS FOR BUDGET PURPOSES.—(1) In addition to any other payments which an agency referred to in subsection (b) is required to make under section 4(a)(1) of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226; 108 Stat. 114; 5 U.S.C. 8331 note), each such agency shall remit to the Office of Personnel Management for deposit in the Treasury to the credit of the Civil Service Retirement and Disability Fund an amount equal to 9 percent of final basic pay of each employee of the agency—

(A) who, on or after the date of the enactment of this Act, retires under section 8336(d)(2) of title 5, United States Code; and

(B) to whom a voluntary separation incentive payment is paid under this section by such agency based on that retirement.

(2) In addition to any other payments which an agency referred to in subsection (b) is required to make under section 4(b)(1) of such Act in fiscal years 1996, 1997, and 1998, each such agency shall remit to the Office of Personnel Management for deposit in the Treasury to the credit of the Civil Service Retirement and Disability Fund an amount equal to 0.5 percent of the basic pay of each employee of the agency who, as of March 31 of such fiscal year, is subject to subchapter III of chapter 83 or chapter 84 of title 5, United States Code.

(3) Notwithstanding any other provision of this section, the head of an agency referred to in subsection (b) may not pay voluntary separation incentive payments under this section unless sufficient funds are available in the Foreign Affairs Reorganization Transition Fund to cover the cost of such payments and the amount of the remittances required of the agency under paragraphs (1) and (2).

HELMS AMENDMENT NO. 1915

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

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

SEC. . RESTRICTION ON U.S. GOVERNMENT OFFICES AND OFFICIAL U.S. GOVERNMENT MEETINGS IN JERUSALEM.

(1) None of the funds authorized 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 business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles or subsequent agreements; and

(2) None of the funds authorized by this or any other Act may be obligated or expended to meet in any part of Jerusalem 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.

HELMS AMENDMENT NO. 1916

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following:

SEC. . PROHIBITION ON FUNDING FOR COERCIVE POPULATION CONTROL METHODS.

Notwithstanding any other provision of law or of this Act, none of the funds authorized to be appropriated by this Act or any other Act are authorized to be available for the United Nations Population Fund (UNFPA), unless the President certifies to the appropriate congressional committees that (1) the United Nations Population Fund has terminated all activities in the People's Republic of China; or (2) during the 12 months preceding such certification there have been no abortions as the result of coercion associated with the family planning policies of the national government or other governmental entities within the People's Republic of China. As used in this section the term "coercion" includes physical duress or abuse, destruction or confiscation of property, loss of means of livelihood or severe psychological pressure.

HELMS AMENDMENT NO. 1917

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the end of the bill, add the following new division:

DIVISION C—FOREIGN AID REDUCTION

SEC. 2001. SHORT TITLE.

This division may be cited as the "Foreign Aid Reduction Act of 1995".

TITLE XXI—DEFENSE AND SECURITY ASSISTANCE

CHAPTER 1—FOREIGN MILITARY FINANCING PROGRAM

SEC. 2101. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763) and for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans under such section—

(1) $3,185,000,000 for fiscal year 1996; and

(2) $3,160,000,000 for fiscal year 1997.

SEC. 2102. LOANS FOR GREECE AND TURKEY.

Of the amounts made available for fiscal years 1996 and 1997 under section 23 of the Arms Export Control Act (22 U.S.C. 2763)—

(1) $26,620,000 shall be made available for fiscal year 1996, and up to $26,620,000 may be made available for fiscal year 1997, for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans for Greece; and

(2) $37,800,000 shall be made available for fiscal year 1996, and up to $37,800,000 may be made available for fiscal year 1997, for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans for Turkey.

CHAPTER 2—INTERNATIONAL MILITARY EDUCATION AND TRAINING

SEC. 2121. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $39,781,000 for each of the fiscal years 1996 and 1997 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.).

CHAPTER 3—ANTITERRORISM ASSISTANCE

SEC. 2131. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $15,000,000 for fiscal year 1996 and $15,000,000 for fiscal year 1997 to carry out chapter 8 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa et seq.).

(b) AVAILABILITY OF AMOUNTS.—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

CHAPTER 4—NARCOTICS CONTROL ASSISTANCE

SEC. 2141. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $213,000,000 for each of the fiscal years 1996 and 1997 to carry out chapter 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 et seq.).

(b) AVAILABILITY OF AMOUNTS.—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

CHAPTER 5—PEACEKEEPING OPERATIONS

SEC. 2151. PEACEKEEPING OPERATIONS.

Section 552(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2348a(a)) is amended to read as follows:

"(a) There are authorized to be appropriated to the President to carry out the purposes of this chapter, in addition to amounts otherwise available for such purposes, $40,000,000 for fiscal year 1996 and $35,000,000 for fiscal year 1997.".

TITLE XXII—TRADE AND EXPORT DEVELOPMENT

SEC. 2201. TRADE AND DEVELOPMENT AGENCY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 661(f)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2421(f)(1)) is amended to read as follows: "There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $67,000,000 for fiscal year 1996 and $75,000,000 for fiscal year 1997.".

(b) AVAILABILITY OF APPROPRIATIONS.—Section 661(f) of such Act (22 U.S.C. 2421(f)) is amended by striking paragraph (2) and inserting the following:

"(2) AVAILABILITY OF APPROPRIATIONS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.".

TITLE XXIII—PRIVATE SECTOR, ECONOMIC, AND DEVELOPMENT ASSISTANCE

CHAPTER 1—PRIVATE SECTOR ENTERPRISE FUNDS

SEC. 2301. SUPPORT FOR PRIVATE SECTOR ENTERPRISE FUNDS.

Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by inserting after section 601 (22 U.S.C. 2351) the following new section:

"SEC. 601A. PRIVATE SECTOR ENTERPRISE FUNDS.

"(a) AUTHORITY.—(1) The President may provide funds and support to Enterprise Funds designated in accordance with subsection (b) that are or have been established for the purposes of promoting—

"(A) development of the private sectors of eligible countries, including small businesses, the agricultural sector, and joint ventures with United States and host country participants; and

"(B) policies and practices conducive to private sector development in eligible countries;

on the same basis as funds and support may be provided with respect to Enterprise Funds for Poland and Hungary under the Support for East European Democracy (SEED) Act of 1989.

"(2) Funds may be made available under this section notwithstanding any other provision of law.

"(b) COUNTRIES ELIGIBLE FOR ENTERPRISE FUNDS.—(1) Except as provided in paragraph (2), the President is authorized to designate a private, nonprofit organization as eligible to receive funds and support pursuant to this section with respect to any country eligible to receive assistance under part I of this Act in the same manner and with the same limitations as set forth in section 201(d) of the Support for East European Democracy (SEED) Act of 1989.

"(2)(A) Except as provided in subparagraph (B), the authority of paragraph (1) shall not apply to any country with respect to which the President is authorized to designate an enterprise fund under section 498B(c) of this Act or section 201 of the Support for East European Democracy (SEED) Act of 1989.

"(B) The prohibition of subparagraph (A) shall not apply to the Trans-Caucasus Enterprise Fund established under subsection (c).

"(c) TRANS-CAUCASUS ENTERPRISE FUND.—The President shall designate a private, nonprofit organization under subsection (b) to carry out this section with respect to the Trans-Caucasus region of the former Soviet Union. Such organization shall be known as the 'Trans-Caucasus Enterprise Fund'.

"(d) TREATMENT EQUIVALENT TO ENTERPRISE FUNDS FOR POLAND AND HUNGARY.—Except as otherwise specifically provided in this section, the provisions contained in section 201 of the Support for East European Democracy (SEED) Act of 1989 (excluding the authorizations of appropriations provided in subsection (b) of that section) shall apply to any Enterprise Fund that receives funds and support under this section. The officers, members, or employees of an Enterprise Fund that receive funds and support under this section shall enjoy the same status under law that is applicable to officers, members, or employees of the Enterprise Funds for Poland and Hungary under the Support for East European Democracy (SEED) Act of 1989.

"(e) REPORTING REQUIREMENT.—Notwithstanding any other provision of this section, the requirement of section 201(p) of the Support for East European Democracy (SEED) Act of 1989, that an Enterprise Fund shall be required to publish an annual report not later than January 31 each year shall not apply with respect to an Enterprise Fund that receives funds and support under this section for the first twelve months after it is designated as eligible to receive such funds and support.

"(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes—

"(A) $12,000,000 for fiscal year 1996 to fund the Trans-Caucasus Enterprise Fund established under subsection (d); and

"(B) $52,000,000 for fiscal year 1996 to fund any enterprise fund authorized to receive

funds under this section other than the Trans-Caucasus Enterprise Fund.

"(2) Funds appropriated under this subsection are authorized to remain available until expended.".

CHAPTER 2—DEVELOPMENT ASSISTANCE FUND AND OTHER AUTHORITIES

SEC. 2311. DEVELOPMENT ASSISTANCE FUND.

(a) SINGLE AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President the total amount of $2,475,000,000 for fiscal year 1996 and the total amount of $2,324,000,000 for fiscal year 1997 to carry out the following authorities in law:

(1) Sections 103, 104, 105, 106, and 108 of the Foreign Assistance Act of 1961 (relating to development assistance).

(2) Chapter 10 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2294; relating to the Development Fund for Africa).

(3) Chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.).

(4) The Support for East European Democracy (SEED) Act of 1989 (Public Law 101-179).

(5) Title III of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2181 et seq.; relating to housing and other credit guaranty programs).

(6) Section 214 of the Foreign Assistance Act of 1961 (22 U.S.C. 2174; relating to American Schools and Hospitals Abroad).

(b) POPULAR NAME.—Appropriations made pursuant to subsection (a) may be referred to as the "Development Assistance Fund".

(c) PROPORTIONAL ASSISTANCE TO AFRICA.—Of the funds authorized to be appropriated by subsection (a), not less than 25 percent each fiscal year shall be used to carry out chapter 10 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2294 et seq.; relating to the Development Fund for Africa).

SEC. 2312. ECONOMIC SUPPORT FUND.

Subsection (a) of section 532 of the Foreign Assistance Act of 1961 (22 U.S.C. 2346a) is amended to read as follows:

"(a)(1) There are authorized to be appropriated to the President to carry out the purposes of this chapter $2,375,000,000 for the fiscal year 1996 and $2,340,000,000 for the fiscal year 1997.

"(2) Of the amount authorized to be appropriated by paragraph (1) for each of the fiscal years 1996 and 1997, $15,000,000 shall be available only for Cyprus.

"(3) Of the amount authorized to be appropriated by paragraph (1) for fiscal year 1996, $15,000,000 shall be available only for the International Fund for Ireland.

"(4) Of the amount authorized to be appropriated by paragraph (1) for fiscal year 1996, $10,000,000 shall be available only for the rapid development of a prototype industrial park in the Gaza Strip.".

CHAPTER 3—PEACE CORPS

SEC. 2331. PEACE CORPS.

Section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)) is amended to read as follows:

"(b) There are authorized to be appropriated to carry out the purposes of this Act $234,000,000 for each of the fiscal years 1996 and 1997.".

CHAPTER 4—INTERNATIONAL DISASTER ASSISTANCE PROGRAMS

SEC. 2341. INTERNATIONAL DISASTER ASSISTANCE.

Section 492(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2292a) is amended to read as follows:

"(a) There are authorized to be appropriated to the President to carry out section 491, in addition to funds otherwise available for such purposes, $200,000,000 for fiscal year 1996 and $200,000,000 for fiscal year 1997.".

TITLE XXIV—PEACE AND SECURITY IN THE MIDDLE EAST

SEC. 2401. ECONOMIC SUPPORT FUND ASSISTANCE FOR ISRAEL.

(a) MINIMUM ALLOCATION.—Of the amounts made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund) for fiscal years 1996 and 1997, not less than $1,200,000,000 for each such fiscal year shall be available only for Israel.

(b) TERMS OF ASSISTANCE.—The total amount of funds allocated for Israel each fiscal year under subsection (a) shall be made available as a cash transfer on a grant basis. Such transfer shall be made on an expedited basis within 30 days after the beginning of the fiscal year or the date of enactment of the Act appropriating such funds, whichever is later. In exercising the authority of this subsection, the President shall ensure that the level of cash transfer made to Israel does not cause an adverse impact on the total level of nonmilitary exports from the United States to Israel.

SEC. 2402. FOREIGN MILITARY FINANCING FOR ISRAEL.

(a) MINIMUM ALLOCATION.—Of the amounts made available for fiscal years 1996 and 1997 for assistance under the "Foreign Military Financing Program" account under section 23 of the Arms Export Control Act (22 U.S.C. 2763), not less than $1,800,000,000 for each such fiscal year shall be available only for Israel.

(b) TERMS OF ASSISTANCE.—

(1) GRANT BASIS.—The assistance provided for Israel for each fiscal year under subsection (a) shall be provided on a grant basis.

(2) EXPEDITED DISBURSEMENT.—Such assistance shall be disbursed—

(A) with respect to fiscal year 1996, not later than 30 days after the date of the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996, or by October 31, 1995, whichever is later; and

(B) with respect to fiscal year 1997, not later than 30 days after the date of the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, or by October 31, 1996, whichever is later.

(3) ADVANCED WEAPONS SYSTEMS.—To the extent that the Government of Israel requests that funds be used for such purposes, funds described in subsection (a) shall, as agreed by the Government of Israel and the Government of the United States, be available for advanced weapons systems, of which not less than $475,000,000 for each fiscal year shall be available only for procurement in Israel of defense articles and defense services, including research and development.

SEC. 2403. ECONOMIC SUPPORT FUND ASSISTANCE FOR EGYPT.

Of the amounts made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund) for fiscal years 1996 and 1997, not less than $815,000,000 for each such fiscal year shall be available only for Egypt.

SEC. 2404. FOREIGN MILITARY FINANCING FOR EGYPT.

(a) MINIMUM ALLOCATION.—Of the amounts made available for fiscal years 1996 and 1997 for assistance under the "Foreign Military Financing Program" account under section 23 of the Arms Export Control Act (22 U.S.C. 2763), not less than $1,300,000,000 for each such fiscal year shall be available only for Egypt.

(b) TERMS OF ASSISTANCE.—The assistance provided for Egypt for each fiscal year under subsection (a) shall be provided on a grant basis.

TITLE XXV—INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 2501. VOLUNTARY CONTRIBUTIONS; UNITED NATIONS CHILDREN'S FUND.

Section 302(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2222(a)) is amended to read as follows:

"(a)(1) There are authorized to be appropriated to the President, in addition to funds otherwise available for such purpose, $225,000,000 for fiscal year 1996, and $225,000,000 for fiscal year 1997, for voluntary contributions under this chapter to international organizations and programs, of which amounts not less than $103,000,000 for each fiscal year shall be available only for the United Nations Children's Fund (UNICEF).

"(2) Funds appropriated pursuant to paragraph (1) are authorized to remain available until expended.".

SEC. 2502. REPLENISHMENT OF THE ASIAN DEVELOPMENT BANK.

The Asian Development Bank Act (22 U.S.C. 285-285aa) is amended by adding at the end the following new section:

"SEC. 31. FOURTH REPLENISHMENT.

"(a) SUBSCRIPTION AUTHORITY.—

"(1) IN GENERAL.—The United States Governor of the Bank may, on behalf of the United States, subscribe to 276,105 shares of the increase in the capital stock of the Bank—

"(A) 5,522 of which shall be shares of paid-in capital stock; and

"(B) 270,583 of which shall be shares of callable capital stock.

"(2) SUBJECT TO APPROPRIATIONS.—The authority provided by paragraph (1) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

"(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For the subscription authorized by subsection (a), there are authorized to be appropriated to the Secretary of the Treasury $13,320,000 for each of the fiscal years 1996 and 1997.".

TITLE XXVI—EFFECTIVE DATE

SEC. 2601. EFFECTIVE DATE.

Except as otherwise provided, this division, and the amendments made by this division, shall take effect on October 1, 1995.

HELMS AMENDMENT NO. 1918

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. . DENIAL OF PASSPORTS FOR NON-PAYMENT OF CHILD SUPPORT.

(a) HHS CERTIFICATION PROCEDURE.—

(1) SECRETARIAL RESPONSIBILITY.—Section 452 (42 U.S.C. 652), as amended by sections 115(a)(3) and 117, is amended by adding at the end the following new subsection:

"(l)(1) If the Secretary receives a certification by a State agency in accordance with the requirements of section 454(28) that an individual owes arrearages of child support in an amount exceeding $5,000 or in an amount exceeding 24 months worth of child support, the Secretary shall transmit such certification to the Secretary of State for action (with respect to denial, revocation, or limitation of passports) pursuant to section 171(b) of the Child Support Responsibility Act of 1995.

"(2) The Secretary shall not be liable to an individual for any action with respect to a certification by a State agency under this section.".

(2) STATE CSE AGENCY RESPONSIBILITY.—Section 454 (42 U.S.C. 654), as amended by sections 104(a), 114(b), and 122(a), is amended—

(A) by striking "and" at the end of paragraph (26);

(B) by striking the period at the end of paragraph (27) and inserting "; and"; and

(C) by adding after paragraph (27) the following new paragraph:

"(28) provide that the State agency will have in effect a procedure (which may be combined with the procedure for tax refund offset under section 464) for certifying to the Secretary, for purposes of the procedure under section 452(l) (concerning denial of passports) determinations that individuals owe arrearages of child support in an amount exceeding $5,000 or in an amount exceeding 24 months worth of child support, under which procedure—

"(A) each individual concerned is afforded notice of such determination and the consequences thereof, and an opportunity to contest the determination; and

"(B) the certification by the State agency is furnished to the Secretary in such format, and accompanied by such supporting documentation, as the Secretary may require.".

(b) STATE DEPARTMENT PROCEDURE FOR DENIAL OF PASSPORTS.—

(1) IN GENERAL.—The Secretary of State, upon certification by the Secretary of Health and Human Services, in accordance with section 452(l) of the Social Security Act, that an individual owes arrearages of child support in excess of $5,000, shall refuse to issue a passport to such individual, and may revoke, restrict, or limit a passport issued previously to such individual.

(2) LIMIT ON LIABILITY.—The Secretary of State shall not be liable to an individual for any action with respect to a certification by a State agency under this subsection.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall become effective October 1, 1996.

HELMS AMENDMENT NO. 1919

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. . LIMITATION ON CONGRESSIONAL TRAVEL TO NORTH KOREA.

Notwithstanding any other provision of law, funds appropriated or otherwise made available under section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b)) shall not be available for travel to North Korea unless the President submits to the Congress a certification that North Korea does not have a policy of discriminating, on the basis of national origin or political philosophy, against Members and employees of the Congress in permitting travel to North Korea.

HELMS AMENDMENT NO. 1920

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 33, line 7, after "agency" insert "(other than the Peace Corps)".

On page 53, line 18, strike "**AFFILIATED AGENCIES**" and insert "**OTHER INTERNATIONAL ORGANIZATIONS**".

On page 69, line 3, strike "(a) IN GENERAL.—".

On page 104, line 22, insert "**FOR THE UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY**" after "**APPROPRIATIONS**".

On page 105, line 17, insert "**OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT**" after "**EXPENSES**".

On page 106, line 2, insert "**OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT**" after "**INSPECTOR GENERAL**".

On page 127, line 16, insert "(a)" immediately after "SECTION 1".

On page 127, line 17, insert "(a)" immediately after "2651a".

On page 128, line 12, strike "The" and insert "Under the direction of the Secretary of State, the".

On page 154, strike lines 12 through 14 and insert the following:

"(C) carry out the functions that the Assistant Secretary for Diplomatic Security carried out prior to the enactment of this section, including those functions set forth in sections 103(a)(2) (22 U.S.C. 4802(a)(2)) and 402(a)(2) (22 U.S.C. 4852(a)(2)) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 and section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314); and"

On page 164, strike lines 7 through 10 and insert the following:

(2) Section 239(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2199(e)) is amended to read as follows:

"(e) The Inspector General for Foreign Affairs may conduct reviews, investigations, and inspections of all phases of the Corporation's operations and activities and the Secretary of State may conduct all security activities of the Corporation related to personnel and the control of classified material. With respect to his responsibilities under this subsection, the Inspector General for Foreign Affairs shall report to the Board. The Department of State shall be reimbursed by the Corporation for all expenses incurred by the Inspector General for Foreign Affairs and the Secretary of State in connection with their responsibilities under this subsection.".

On page 168, strike "February 28, 1997" and insert "March 1, 1997".

On page 178, between lines 5 and 6, insert the following new subsection:

( ) SECURITY REQUIREMENTS.—Section 45 (22 U.S.C. 2585) is amended by striking subsections (a), (b), and (d).

On page 178, line 6, strike "(k)" and insert "(l)".

On page 178, line 8, strike "(l)" and insert "(m)".

On page 178, line 11, strike "(m)" and insert "(n)".

On page 178, line 13, strike "(n)" and insert "(o)".

On page 189, between lines 8 and 9, insert the following new subsection:

(l) DISSEMINATION OF INFORMATION ABOUT THE UNITED STATES ABROAD.—Section 501 (22 U.S.C. 1461) is amended—

(1) in subsection (a), by inserting "in carrying out informational and educational exchange functions"; and

(2) in subsection (b)(1), by inserting "pursuant to subsection (a)" after "dissemination abroad".

On page 201, line 14, insert "overseas" before "information".

On page 215, lines 6 and 7, strike "(insofar as it exercises AID functions)" and insert "(exclusive of references to components of IDCA expressly established by statute or reorganization plan)".

On page 215, line 9, strike "exercising AID functions" and insert ", exclusive of officials of components of IDCA expressly established by statute or reorganization plan".

On page 221, line 22, strike "date" and insert "dates, as follows".

On page 223, line 13, after "date" insert the following:

", except for those security functions previously exercised by the Inspector General of the Agency for International Development, which shall be transferred to the Secretary of State pursuant to subsection (a)(2).".

On page 227, line 3, insert after "necessary" the following: ", including the exercise of authority".

On page 231, line 3, insert after "necessary" the following: ", including the exercise of authority".

On page 235, line 10, insert after "necessary" the following: ", including the exercise of authority".

HELMS AMENDMENT NO. 1921

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. . AVAILABILITY OF VOICE OF AMERICA AND RADIO MARTI MULTILINGUAL COMPUTER READABLE TEXT AND VOICE RECORDING.

Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461–1a) and the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461), the Director of the United States Information Agency is authorized to make available, upon request, to the Linguistic Data Consortium of the University of Pennsylvania computer readable multilingual text and recorded speech in various languages. The linguistic Data Consortium shall, directly or indirectly as appropriate, reimburse the Director for any expenses involved in making such materials available. This authorization shall remain in effect for 5 years.

HELMS AMENDMENT NO. 1922

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 33, between lines 11 and 12, insert the following:

(e) MEMBERSHIP OF SENIOR FOREIGN SERVICE OFFICERS IN COLLECTIVE BARGAINING UNITS.—Section 206 of the Foreign Service Act of 1980 (22 U.S.C. 3926) is amended by adding at the end the following:

"(c) A member of the Senior Foreign Service may not be a member of a collective bargaining unit.".

HELMS AMENDMENT NO. 1923

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

Beginning on page 114, strike line 5 and all that follows through line 13 on page 117.

HELMS AMENDMENT NO. 1924

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 75, after line 12, add the following:

(b) Pursuant to a lifting of the United Nations arms embargo against Bosnia-Hercegovina, or to a unilateral lifting of the arms embargo by the President of the United States, the President is authorized to transfer to the government of that nation, without reimbursement, defense articles from the stocks of the Department of Defense and defense services of the Department of Defense of an aggregate value not to exceed that of unexpended funds authorized to be appropriated for the United States contribution to the United Nations Protection Force.

HELMS AMENDMENT NO. 1925

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

SEC. . MISSILE TECHNOLOGY CONTROL REGIME.

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

(1) The threat posed to the national security of the United States by the proliferation of ballistic and cruise missiles is significant, and is growing, both quantitatively and qualitatively.

(2) An alarming number of countries possessing or producing ballistic or cruise missiles have proven willing to help others develop the same capability.

(3) The Missile Technology Control Regime serves as an important means of stopping or slowing the spread of ballistic and cruise missiles by denying non-members access to missile technology.

(4) Sanctions, as mandated under the Arms Export Control Act and the Export Administration Act of 1979, represent an important means in stemming the proliferation of ballistic missiles capable of reaching the United States.

(5) The recent waiver of sanctions and the decision to support countries which engage in active space programs for membership in the Missile Technology Control Regime threatens to eviscerate the regime.

(6) These recent events underscore the need to reevaluate the Missile Technology Control Regime and the mechanisms at the United States' disposal for preventing the spread of ballistic missiles.

(b) IN GENERAL.—The President shall seek a Senate resolution of support prior to U.S. support of any State for membership in the Missile Technology Control Regime.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the Missile Technology Control Regime should not continue to exempt national civilian space programs from its controls and sanctions.

(d) REPORT REQUIRED.—(1) Not later than December 1, 1995, the Secretaries of Defense, State, and Commerce shall submit unique reports to the Senate Committee on Foreign Relations and the Senate Armed Services Committee. These reports shall include the following:

(i) An explanation of the difference between a space-launch vehicle and a ballistic missile, and an explanation of why the export of space-launch vehicle components should not be considered a violation of the Missile Technology Control Regime.

(ii) An identification of the rationale guiding the U.S. position on offering transfers of missile technology as inducements designed to encourage countries to join the Missile Technology Control Regime.

(iii) An assessment of whether or not the United States should support or sponsor for membership in the Missile Technology Control Regime any country pursuing a space-launch program and the advantages of requiring countries to disband their space-launch program prior to membership in the regime.

(iv) An assessment of the potential military implications of the transfer of missile technology to members of the Missile Technology Control Regime who maintain space-launch vehicle programs.

(v) A detailed evaluation of the similarities and differences in the export control system maintained by the United States and those of Russia, China, Brazil, Ukraine, Belarus, and Kazakhstan.

(vi) An assessment of the on-going efforts made by potential participant countries in the Missile Technology Control Regime, including those listed in this subsection, to meet the guidelines established by the Missile Technology Control Regime.

(2) In this section, the term "Missile Technology Control Regime" means the policy statement between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on the Missile Technology Control Regime Annex, and any amendments thereto.

HELMS AMENDMENT NO. 1926

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the end, add the following new division:

DIVISION C—CONSOLIDATION AND REINVENTION OF FOREIGN AFFAIRS AGENCIES

SEC. 1001. SHORT TITLE.

This division may be cited as the "Foreign Affairs Alternative Reinvention Procedures Act of 1995".

SEC. 1002. PURPOSES.

The purposes of this division are—

(1) to reorganize and reinvent the foreign affairs agencies of the United States in order to enhance the formulation, coordination, and implementation of United States foreign policy;

(2) to streamline and consolidate the functions and personnel of the Department of State, the Agency for International Development, the United States Information Agency, and the United States Arms Control and Disarmament Agency in order to eliminate redundancies in the functions and personnel of such agencies;

(3) to assist congressional efforts to balance the Federal budget and reduce the Federal debt;

(4) to strengthen the authority of United States ambassadors over all United States Government personnel and resources located in United States diplomatic missions in order to enhance the ability of the ambassadors to deploy such personnel and resources to the best effect to attain the President's foreign policy objectives;

(5) to encourage United States foreign affairs agencies to maintain a high percentage of the best qualified, most competent United States citizens serving in the United States Government while downsizing significantly the total number of people employed by such agencies; and

(6) to ensure that all functions of United States diplomacy be subject to recruitment, training, assignment, promotion, and egress based on common standards and procedures while preserving maximum interchange among such functions.

TITLE XI—REORGANIZATION OF FOREIGN AFFAIRS AGENCIES

SEC. 1101. REORGANIZATION PLAN FOR THE DEPARTMENT OF STATE AND INDEPENDENT FOREIGN AFFAIRS AGENCIES.

(a) SUBMISSION OF PLAN.—Not later than 6 months after the date of enactment of this Act, the President shall transmit to the appropriate congressional committees a reorganization plan providing for the streamlining and consolidation of the Department of State, the United States Information Agency, the Agency for International Development, and the United States Arms Control and Disarmament Agency. Such plan shall provide for—

(1) the enhancement of the formulation, coordination, and implementation of policy;

(2) the maintenance, to the maximum extent possible, of a United States presence abroad within budgetary constraints;

(3) an abolition of at least two of the independent foreign affairs agencies;

(4) the elimination in the duplication of functions and personnel between the Department of State and such other agency or agencies not abolished under paragraph (3);

(5) the reduction in the aggregate number of positions in the Department of State and the independent foreign affairs agencies which are classified at each of levels II, III, and IV of the Executive Schedule;

(6) the reorganization and streamlining of the Department of State; and

(7) the achievement of a cost savings of at least $3,100,000,000 over 4 years through the consolidation of agencies.

(b) PLAN ELEMENTS.—The plan under subsection (a) shall—

(1) identify the functions of the independent foreign affairs agencies that will be transferred to the Department of State under the plan, as well as those that will be abolished under the plan;

(2) identify the personnel and positions of the agencies (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred to the Department, separated from service with the Agency, or be eliminated under the plan, and set forth a schedule for such transfers, separations, and terminations;

(3) identify the personnel and positions of the Department (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred within the Department, separated from service with the Department, or eliminated under the plan and set forth a schedule for such transfers, separations, and terminations;

(4) specify the consolidations and reorganization of functions of the Department that will be required under the plan in order to permit the Department to carry out the functions transferred to the Department under the plan;

(5) specify the funds available to the independent foreign affairs agencies that will be transferred to the Department under this title as a result of the implementation of the plan;

(6) specify the proposed allocations within the Department of unexpended funds of the independent foreign affairs agencies; and

(7) specify the proposed disposition of the property, facilities, contracts, records, and other assets and liabilities of the independent foreign affairs agencies resulting from

the abolition of any such agency and the transfer of the functions of the independent foreign affairs agencies to the Department.

(c) LIMITATIONS ON CONTENTS OF PLAN.—(1) Sections 903, 904, and 905 of title 5, United States Code, shall apply to the plan transmitted under subsection (a).

(2) The plan may not provide for the termination of any function authorized by law.

(d) EFFECTIVE DATE OF PLAN.—(1) The plan transmitted under subsection (a) shall take effect 60 calendar days of continuous session of Congress after the date on which the plan is transmitted to Congress if the Congress enacts a joint resolution, in accordance with subsection (e), approving the plan.

(2) For purposes of paragraph (1)—

(A) continuity of session is broken only by an adjournment of Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

(e) CONGRESSIONAL PRIORITY PROCEDURES.—(1) Except as provided in paragraph (2), sections 908, 910, 911, and 912 of title 5, United States Code, shall apply to the consideration by Congress of a joint resolution described in paragraph (3) that is introduced in a House of Congress.

(2) The following requirements shall apply to actions described in paragraph (1) without regard to chapter 9 of title 5, United States Code:

(A) A referral of joint resolutions under this section may only be made to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(B) The reference in section 908 of such title to reorganization plans transmitted on or before December 31, 1984, shall have no force or effect.

(3) A joint resolution under this section means only a joint resolution of the Congress, the matter after the resolving clause of which is as follows: "That the Congress approves the reorganization plan numbered ___ transmitted to the Congress by the President on ___, 19___", which plan may include such modifications and revisions as are submitted by the President under section 903(c) of title 5, United States Code. The blank spaces therein are to be filled appropriately.

(4) The provisions of this subsection supersede any other provision of law.

(f) EXPIRATION OF AUTHORITY TO TRANSMIT PLAN.—The authority of the President to transmit a reorganization plan under subsection (a) shall expire on the date that is 6 months after the date of the enactment of this Act.

(g) DEADLINE FOR IMPLEMENTATION.—If the reorganization plan transmitted under subsection (a) is not approved by Congress in accordance with subsection (e), the plan shall be implemented not later than March 1, 1997.

(h) ABOLITION OF INDEPENDENT FOREIGN AFFAIRS AGENCIES.—

(1) ABOLITION FOR FAILURE TO TRANSMIT PLAN.—If the President does not transmit to Congress a reorganization plan under subsection (a), the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development are abolished as of 180 days after the date of enactment of this Act.

(2) ABOLITION FOR FAILURE TO IMPLEMENT PLAN.—If the President does not implement the reorganization plan transmitted and requiring the abolition of an agency referred to in paragraph (1), the agency is abolished as of March 1, 1997.

(i) DEFINITION.—As used in this section, the term "independent foreign affairs agencies" means the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development.

SEC. 1102. TRANSFERS OF FUNCTIONS.

(a) TRANSFERS.—Subject to subsection (b), there are transferred to, and vested in, the Secretary of State all functions vested by law (including by reorganization plan approved before the date of the enactment of this Act pursuant to chapter 9 of title 5, United States Code) in, or exercised by, the head of each of the following agencies, the agencies themselves, or officers, employees, or components thereof:

(1) The United States Arms Control and Disarmament Agency

(2) The United States Information Agency.

(3) The Agency for International Development.

(b) EFFECTIVE DATE.—The transfers referred to in subsection (a) shall take place—

(1) if the President does not transmit a reorganization plan to Congress under section 1101(a), not later than 180 days after the date of enactment of this Act; or

(2) if the President does not implement the reorganization plan transmitted and approved under such section with respect to an agency referred to in subsection (a), not later than March 1, 1997.

SEC. 1103. VOLUNTARY SEPARATION INCENTIVES.

(a) AUTHORITY TO PAY INCENTIVES.—The head of an agency referred to in subsection (b) may pay voluntary incentive payments to employees of the agency in order to avoid or minimize the need for involuntary separations from the agency as a result of the abolition of the agency and the consolidation of functions of the Department of State under this title.

(b) COVERED AGENCIES.—Subsection (a) applies to the following agencies:

(1) The Department of State.

(2) The United States Arms Control and Disarmament Agency.

(3) The United States Information Agency.

(4) The Agency for International Development.

(c) PAYMENT REQUIREMENTS.—(1) The head of an agency shall pay voluntary separation incentive payments in accordance with the provisions of section 3 of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226; 108 Stat. 111), except that an employee of the agency shall be deemed to be eligible for payment of a voluntary separation incentive payment under that section if the employee separates from service with the agency during the period beginning on the date of enactment of this Act and ending on February 28, 1997.

(2) The provisions of subsection (d) of such section 3 shall apply to any employee who is paid a voluntary separation incentive payment under this section.

(d) FUNDING.—The payment of voluntary separation incentive payments under this section shall be made from funds in the Foreign Affairs Reorganization Transition Fund established under section 1104. The Secretary of State may transfer sums in that Fund to the head of an agency under subsection (e)(1)(B) of that section for payment of such payments by the agency head.

(e) TERMINATION OF AUTHORITY.—The authority of the head of an agency to authorize payment of voluntary separation incentive payments under this section shall expire on February 28, 1997.

SEC. 1104. TRANSITION FUND.

(a) ESTABLISHMENT.—There is hereby established on the books of the Treasury an account to be known as the "Foreign Affairs Reorganization Transition Fund".

(b) PURPOSE.—The purpose of the account is to provide funds for the orderly transfer of functions and personnel to the Department of State as a result of the implementation of this title and for payment of other costs associated with the consolidation of foreign affairs agencies under this title.

(c) DEPOSITS.—(1) Subject to paragraphs (2) and (3), there shall be deposited into the account the following:

(A) Funds appropriated to the account pursuant to the authorization of appropriations in subsection (j).

(B) Funds transferred to the account by the Secretary of State from funds that are transferred to the Secretary by the head of an agency under subsection (d).

(C) Funds transferred to the account by the Secretary from funds that are transferred to the Department of State together with the transfer of functions to the Department under this title and that are not required by the Secretary in order to carry out the functions.

(D) Funds transferred to the account by the Secretary from any unobligated funds that are appropriated or otherwise made available to the Department.

(2) The Secretary may transfer funds to the account under subparagraph (C) of paragraph (1) only if the Secretary determines that the amount of funds deposited in the account pursuant to subparagraphs (A) and (B) of that paragraph is inadequate to pay the costs of carrying out this title.

(3) The Secretary may transfer funds to the account under subparagraph (D) of paragraph (1) only if the Secretary determines that the amount of funds deposited in the account pursuant to subparagraphs (A), (B), and (C) of that paragraph is inadequate to pay the costs of carrying out this title.

(d) TRANSFER OF FUNDS TO SECRETARY OF STATE.—The head of a transferor agency shall transfer to the Secretary the amount, if any, of the unobligated funds appropriated or otherwise made available to the agency for functions of the agency that are abolished under this title which funds are not required to carry out the functions of the agency as a result of the abolishment of the functions under this title.

(e) USE OF FUNDS.—(1)(A) Notwithstanding any other provision of law, the Secretary shall use sums in the account for payment of the costs of carrying out this title, including costs relating to the consolidation of functions of the Department of State and relating to the termination of employees of the Department.

(B) The Secretary may transfer sums in the account to the head of an agency to be abolished under this title for payment by the head of the agency of the cost of carrying out a voluntary separation incentive program at the agency under section 1103.

(2) Funds in the account shall be available for the payment of costs under paragraph (1) without fiscal year limitation.

(3) Funds in the account may be used only for purposes of paying the costs of carrying out this title.

(f) TREATMENT OF UNOBLIGATED BALANCES.—(1) Subject to paragraph (2), unobligated funds, if any, which remain in the account after the payment of the costs described in subsection (e)(1) shall be transferred to Department of State and shall be available to the Secretary of State for purposes of carrying out the functions of the Department.

(2) The Secretary may not transfer funds in the account to the Department under paragraph (1) unless the appropriate congressional committees are notified in advance of such transfer in accordance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956.

(g) REPORT ON ACCOUNT.—Not later than October 1, 1998, the Secretary of State shall transmit to the appropriate congressional committees a report containing an accounting of—

(1) the expenditures from the account established under this section; and

(2) in the event of any transfer of funds to the Department of State under subsection (f), the functions for which the funds so transferred were expended.

(i) TERMINATION OF AUTHORITY TO USE ACCOUNT.—The Secretary may not obligate funds in the account after September 30, 1999.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 for deposit under subsection (c)(1) into the account established under subsection (a).

SEC. 1105. ASSUMPTION OF DUTIES BY APPROPRIATE APPOINTEES.

An individual holding office on the date of the enactment of this Act—

(1) who was appointed to the office by the President, by and with the advice and consent of the Senate;

(2) who is transferred to a new office in the Department of State under this title; and

(3) who performs duties in such new office that are substantially similar to the duties performed by the individual in the office held on such date,

may, in the discretion of the Secretary of State, assume the duties of such new office, and shall not be required to be reappointed by reason of the enactment of this title.

SEC. 1106. RIGHTS OF EMPLOYEES OF ABOLISHED AGENCIES.

(a) IN GENERAL.—Except as otherwise provided by this title, the transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for 1 year after the date of transfer of such employee under this title.

(b) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this title, any person who, on the day preceding the date of the abolition of a transferor agency under this title, held a position in such an agency that was compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Department of State to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(c) TERMINATION OF CERTAIN POSITIONS.—Positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred under this title, shall terminate on the date of the transferal of the functions under this title.

(d) EXCEPTED SERVICE.—(1) Subject to paragraph (2), in the case of employees occupying positions in the excepted service or the Senior Executive Service, any appointment authority established pursuant to law or regulations of the Office of Personnel Management for filling such positions shall be transferred.

(2) The Department of State may decline a transfer of authority under paragraph (1) (and the employees appointed pursuant thereto) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policy-making, policy-determining, or policy-advocating character, and noncareer positions in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(e) EMPLOYEE BENEFIT PROGRAMS.—(1) Any employee accepting employment with the Department of State as a result of such transfer may retain for 1 year after the date such transfer occurs membership in any employee benefit program of the transferor agency, including insurance, to which such employee belongs on the date of the enactment of this Act if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Secretary of State.

(2) The difference in the costs between the benefits which would have been provided by such agency or entity and those provided by this section shall be paid by the Secretary of State. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by the Secretary of State, the employee shall be permitted to select an alternate Federal health insurance program within 30 days of such election or notice, without regard to any other regularly scheduled open season.

(f) SENIOR EXECUTIVE SERVICE.—A transferring employee in the Senior Executive Service shall be placed in a comparable position at the Department of State.

(g) ASSIGNMENTS.—(1) Transferring employees shall receive notice of their position assignments not later than the date on which the reorganization plan setting forth the transferal of such employees is transmitted to the appropriate congressional committees under this title.

(2) Foreign Service personnel transferred to the Department of State pursuant to this title shall be eligible for any assignment open to Foreign Service personnel within the Department.

SEC. 1107. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.

(a) IN GENERAL.—Except as otherwise provided in this title, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred under this title, subject to section 1531 of title 31, United States Code, shall be transferred to the Department of State.

(b) TREATMENT OF PERSONNEL EMPLOYED IN TERMINATED FUNCTIONS.—The following shall apply with respect to officers and employees of a transferor agency that are not transferred under this title:

(1) Under such regulations as the Office of Personnel Management may prescribe, the head of any agency in the executive branch may appoint in the competitive service any person who is certified by the head of the transferor agency as having served satisfactorily in the transferor agency and who passes such examination as the Office of Personnel Management may prescribe. Any person so appointed shall, upon completion of the prescribed probationary period, acquire a competitive status.

(2) The head of any agency in the executive branch having an established merit system in the excepted service may appoint in such service any person who is certified by the head of the transferor agency as having served satisfactorily in the transferor agency and who passes such examination as the head of such agency in the executive branch may prescribe.

(3) Any appointment under this subsection shall be made within a period of 1 year after completion of the appointee's service in the transferor agency.

(4) Any law, Executive order, or regulation which would disqualify an applicant for appointment in the competitive service or in the excepted service concerned shall also disqualify an applicant for appointment under this subsection.

SEC. 1108. PERSONNEL AUTHORITIES FOR TRANSFERRED FUNCTIONS.

(a) APPOINTMENTS.—(1) Subject to paragraph (2), the Secretary of State may appoint and fix the compensation of such officers and employees, including investigators, attorneys, and administrative law judges, as may be necessary to carry out the respective functions transferred to the Department of State under this title. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

(2) A person employed under paragraph (1) may not continue in such employment after the end of the period (as determined by the Secretary) required for the transferal of functions under this title.

(b) EXPERTS AND CONSULTANTS.—The Secretary of State may obtain the services of experts and consultants in connection with functions transferred to the Department of State under this title in accordance with section 3109 of title 5, United States Code, and compensate such experts and consultants for each day (including traveltime) at rates not in excess of the rate of pay for level IV of the Executive Schedule under section 5315 of such title. The head Secretary may pay experts and consultants who are serving away from their homes or regular place of business travel expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of such title for persons in Government service employed intermittently.

SEC. 1109. PROPERTY AND FACILITIES.

(a) IN GENERAL.—The Secretary of State shall review the property and facilities of each transferror agency for purposes of determining if the property is required by the Department of State in order to carry out the functions of the Department after the transfer of functions to the Department under this title.

(b) DEADLINE FOR TRANSFER.—Not later than March 1, 1997, all property and facilities within the custody of the transferor agencies shall be transferred to the custody of the Secretary of State.

SEC. 1110. DELEGATION AND ASSIGNMENT.

Except where otherwise expressly prohibited by law or otherwise provided by this title, the Secretary of State may delegate any of the functions transferred to the Secretary under this title and any function transferred or granted to the Secretary after the effective date of this title to such officers and employees of the Department of

State as the Secretary may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions by the Secretary under this section or under any other provision of this title shall relieve the Secretary of responsibility for the administration of such functions.

SEC. 1111. RULES.

The Secretary of State may prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Secretary determines necessary or appropriate to administer and manage the functions of the Department of State after the transfer of functions to the Department under this title.

SEC. 1112. INCIDENTAL TRANSFERS.

The Director of the Office of Management and Budget may, at such time or times as the Director shall provide, make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this title. The Director shall provide for the termination of the affairs of all entities terminated by this title and for such further measures and dispositions as may be necessary to effectuate the purposes of this title.

SEC. 1113. EFFECT ON CONTRACTS AND GRANTS.

(a) PROHIBITION ON NEW OR EXTENDED CONTRACTS OR GRANTS.—Except as provided in subsection (b), the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development may not—

(1) enter into a contract or agreement which will continue in force after the termination date, if any, of such agency under this title;

(2) extend the term of an existing contract or agreement of such agency to a date after such date; or

(3) make a grant which will continue in force after such date.

(b) EXCEPTION.—Subsection (a) does not apply to the following:

(1) Contracts and agreements for carrying out essential administrative functions.

(2) Contracts and agreements for functions and activities that the Secretary of State determines will be carried out by the Department of State after the termination of the agency concerned under this title.

(3) Grants relating to the functions and activities referred to in paragraph (2).

(c) EVALUATION AND TERMINATION OF EXISTING CONTRACTS.—The Secretary of State and the head of each agency referred to in subsection (a) shall—

(1) review the contracts of such agency that will continue in force after the date, if any, of the abolishment of the agency under this title in order to determine if the cost of abrogating such contracts before that date would be exceed the cost of carrying out the contract according to its terms; and

(2) in the case of each contract so determined, provide for the termination of the contract in the most cost-effective manner practicable.

SEC. 1114. SAVINGS PROVISIONS.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this title, and

(2) which are in effect at the time this title takes effect, or were final before the effective date of this title and are to become effective on or after the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary of State or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the transferor agency at the time this title takes effect for that agency, with respect to functions transferred under this title but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) SUITS NOT AFFECTED.—The provisions of this title shall not affect suits commenced before the effective date of this title, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the transferor agency, or by or against any individual in the official capacity of such individual as an officer of the transferor agency, shall abate by reason of the enactment of this title.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the transferor agency relating to a function transferred under this title may be continued by the Secretary of State with the same effect as if this title had not been enacted.

SEC. 1115. SEPARABILITY.

If a provision of this title or its application to any person or circumstance is held invalid, neither the remainder of this title nor the application of the provision to other persons or circumstances shall be affected.

SEC. 1116. TRANSITION.

The Secretary of State may utilize—

(1) the services of such officers, employees, and other personnel of the transferor agency with respect to functions transferred to the Department of State under this title; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this title.

SEC. 1117. ADDITIONAL CONFORMING AMENDMENTS.

The President may submit a report to the appropriate congressional committees containing such recommendations for such additional technical and conforming amendments to the laws of the United States as may be appropriate to reflect the changes made by this division.

SEC. 1118. FINAL REPORT.

Not later than October 1, 1998, the President shall provide by written report to the Congress a final accounting of the finances and operations of the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development.

SEC. 1119. DEFINITIONS.

For purposes of this title, unless otherwise provided or indicated by the context—

(1) the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives;

(2) the term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code;

(3) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program;

(4) the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof;

(5) the term "transferor agency" refers to each of the following agencies:

(A) The Agency for International Development, a component of the International Development Cooperation Agency.

(B) The International Development Cooperation Agency (insofar as it exercises functions related to the Agency for International Development).

(C) The United States Information Agency (exclusive of the Broadcasting Board of Governors).

(D) The United States Arms Control and Disarmament Agency.

SEC. 1120. LIMITATION ON PERSONNEL STRENGTH OF THE DEPARTMENT OF STATE.

(a) END FISCAL YEAR 1996 LEVELS.—The number of employees of the Department of State (including members of the Foreign Service) who are authorized to be employed as of February 28, 1997, shall not exceed a number which is 9 percent less than the number of such employees who are so employed immediately prior to the date of enactment of this Act.

(b) END FISCAL YEAR 1997 LEVELS.—The number of employees of the Department of State (including members of the Foreign Service) who are authorized to be employed as of September 30, 1997, shall not exceed a number which is 3 percent less than the number of such employees who are authorized to be so employed as of February 28, 1997.

(c) END FISCAL YEAR 1998 LEVELS.—The number of employees of the Department of State (including members of the Foreign Service) who are authorized to be employed as of September 30, 1998, shall not exceed a number which is 2 percent less than the number of such employees who are authorized to be so employed as of September 30, 1997.

TITLE XII—CONSOLIDATION OF DIPLOMATIC MISSIONS AND CONSULAR POSTS

SEC. 1201. CONSOLIDATION OF UNITED STATES DIPLOMATIC MISSIONS AND CONSULAR POSTS.

(a) CONSOLIDATION PLAN.—The Secretary of State shall develop a worldwide plan for the consolidation, wherever practicable, on a regional or areawide basis, of United States missions and consular posts abroad in order to carry out this section.

(b) CONTENTS OF PLAN.—The plan shall—

(1) identify the specific United States diplomatic missions and consular posts for consolidation;

(2) identify those missions and posts at which the resident ambassador would also be accredited to other specified states in which the United States either maintained no resident official presence or maintained such a presence only at staff level; and

(3) provide an estimate of—

(A) the amount by which expenditures would be reduced through the reduction in the number of United States Government personnel assigned abroad;

(B) through a reduction in the costs of maintaining United States properties abroad; and

(C) the amount of revenues generated to the United States through the sale or other disposition of United States properties associated with the posts to be consolidated abroad.

(c) TRANSMITTAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall transmit a copy of the plan to the appropriate congressional committees.

(d) IMPLEMENTATION.—Not later than 60 days after transmittal of the plan under subsection (c), the Secretary of State shall take steps to implement the plan unless the Congress before such date enacts legislation disapproving the plan.

(e) CONGRESSIONAL PRIORITY PROCEDURES.—(1) A joint resolution described in paragraph (2) which is introduced in a House of Congress after the date on which a plan developed under subsection (a) is received by Congress, shall be considered in accordance with the procedures set forth in paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473 (98 Stat. 1936)), except that—

(A) references to the "report described in paragraph (1)" shall be deemed to be references to the joint resolution; and

(B) references to the Committee on Appropriations of the House of Representatives and to the Committee on Appropriations of the Senate shall be deemed to be references to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) A joint resolution under this paragraph is a joint resolution the matter after the resolving clause of which is as follows: "That the Congress disapproves the plan submitted by the President on _____ pursuant to section 1109 of the Foreign Relations Revitalization Act.".

(f) RESUBMISSION OF PLAN.—If, within 60 days of transmittal of a plan under subsection (c), Congress enacts legislation disapproving the plan, the President shall transmit to the appropriate congressional committees a revised plan developed under subsection (a).

(g) STATUTORY CONSTRUCTION.—Nothing in this section requires the termination of United States diplomatic or consular relations with any foreign country.

(h) DEFINITIONS.—As used in this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) PLAN.—The term "plan" means the plan developed under subsection (a).

SEC. 1202. PROCEDURES FOR COORDINATION OF GOVERNMENT PERSONNEL AT OVERSEAS POSTS.

(a) AMENDMENT OF THE FOREIGN SERVICE ACT OF 1980.—Section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following:

"(c)(1) In carrying out subsection (b), the head of each department, agency, or other entity of the executive branch of Government shall ensure that, in coordination with the Department of State, the approval of the chief of mission to a foreign country is sought on any proposed change in the size, composition, or mandate of employees of the respective department, agency, or entity (other than employees under the command of a United States area military commander) if the employees are performing duties in that country.

"(2) In seeking the approval of the chief of mission under paragraph (1), the head of a department, agency, or other entity of the executive branch of Government shall comply with the procedures set forth in National Security Decision Directive Number 38, as in effect on June 2, 1982, and the implementing guidelines issued thereunder.

"(d) The Secretary of State, in the sole discretion of the Secretary, may accord diplomatic titles, privileges, and immunities to employees of the executive branch of Government who are performing duties in a foreign country.".

(b) REVIEW OF PROCEDURES FOR COORDINATION.—(1) The President shall conduct a review of the procedures contained in National Security Decision Directive Number 38, as in effect on June 2, 1982, and the practices in implementation of those procedures, to determine whether the procedures and practices have been effective to enhance significantly the coordination among the several departments, agencies, and entities of the executive branch of Government represented in foreign countries.

(2) Not later than 180 days after the date of enactment of this Act, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report containing the findings of the review conducted under paragraph (1), together with any recommendations for legislation as the President may determine to be necessary.

On page 184, line 22, insert "or pursuant to division C" after "section 1703".

On page 210, line 3, insert "or pursuant to division C" after "section 1704".

On page 215, line 20, insert "or pursuant to division C" after "section 1705".

HELMS AMENDMENT NO. 1927

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place, insert:

Whereas Slovakia has held free elections, has achieved associate membership in the European Union and is an active participant in NATO's Partnership for Peace;

Whereas while the print media is free in Slovakia, the state television and state news agency are in government hands and have been used to advance the agenda of the ruling coalition;

Whereas opposition parliamentarians have been removed from certain Parliamentary Committee which are now comprised mainly or solely of government coalition parliamentarians and at least one Parliamentary oversight body, that on the Slovak Intelligence Service, has no opposition representation;

Whereas the Slovak parliament has abandoned mass privatization and has declared that the value of coupons issued to Slovak citizens will now be drawn on the State Property Fund rather than on shares in the companies it owns opening up the possibility that the government will now be able to sell state companies to single investors, an approach which could favor those who are supporters of the ruling coalition; and

Whereas the political battle between the Slovak President and Prime Minister has resulted in the government taking all legal means to strip the President of certain powers in an apparent attempt to intimidate the President into resigning, steps which do not indicate respect for a division of powers and representative government; Now therefore be it

Resolved, That:

1. the Senate supports an independent Slovakia and commends the people of Slovakia for the steps they have taken and their sacrifices as Slovakia moves from devastating communist rule to a democratic and free market society.

2. future consideration of Slovakia for accelerated NATO transition assistance should be evaluated in terms of its government's progress towards freedom of press, representative government and privatization;

3. consideration of all Central European countries for accelerated NATO transition assistance above and beyond that given to Partnership for Peace countries should taken into account the extent to which each country makes significant progress towards meeting NATO criteria as well as instituting political, economic, and military reform.

HELMS AMENDMENT NO. 1928

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

In paragraph (2) of 22 U.S.C. 2579, the comprehensive compilation of arms control and disarmament studies, delete "." after "such study" and insert ", including an assessment of the military significance of such arms control, nonproliferation, and disarmament issues, and an assessment of whether the treaties specified in the report continue to serve the national interests of the United States.".

D'AMATO AMENDMENT NO. 1929

(Ordered to lie on the table.)

Mr. HELMS (for Mr. D'AMATO) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . CONGRESSIONAL APPROVAL OF CERTAIN FOREIGN ASSISTANCE.

(a) PRESIDENTIAL CERTIFICATION.—Section 5302 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(e) CERTIFICATION.—The Secretary may not take any action under this subsection with respect to a single foreign government (including agencies or other entities of that government) or with respect to the currency

of a single foreign country unless the President certifies to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives that—

"(1) there is no projected cost (as that term is defined in section 502 of the Federal Credit Reform Act of 1990) to the United States from the proposed action; and

"(2) any proposed obligation or expenditure of United States funds to or on behalf of the foreign government is adequately backed by that foreign country to ensure that all United States funds will be repaid.".

(b) LIMITATION ON USE OF EXCHANGE STABILIZATION FUND.—Section 5302 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(f) LIMITATION ON USE OF FUND.—Notwithstanding subsection (a)(2), except as provided by an Act of Congress, the Secretary may not take any action under this subsection with respect to a single foreign government (including agencies or other entities of that government) or with respect to the currency of a single foreign country that would result in expenditures and obligations, including contingent obligations, aggregating more than $1,000,000,000 with respect to that foreign country for more than 180 days during the 12-month period beginning on the date on which the first such action is taken.".

(c) APPLICABILITY.—Subsections (e) and (f) of section 5302 of title 31, United States Code, as added by this section, shall not apply to any action taken under that section as part of the program of assistance to Mexico announced by the President on January 31, 1995.

(d) TECHNICAL AMENDMENT.—Section 5302(b) of title 31, United States Code, is amended by striking the second sentence.

(e) EFFECTIVE DATE.—The amendments made by this section shall become effective on October 1, 1995.

MACK (AND OTHERS) AMENDMENT NO. 1930

(Ordered to lie on the table.)

Mr. HELMS (for Mr. MACK, for himself, Mr. GRAMM, Mr. LIEBERMAN, Mr. HELMS, Mr. DOLE, and Mr. D'AMATO) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. 618. CONGRESSIONAL NOTIFICATION OF CONTACTS WITH CUBAN GOVERNMENT OFFICIALS.

(a) ADVANCED NOTIFICATION REQUIRED.—No funds made available under any provision of law may be used for the costs and expenses of negotiations, meetings, discussions, or contacts between United States Government officials or representatives and officials or representatives of the Cuban government relating to normalization of relations between the United States and Cuba unless 15 days in advance the President has notified the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate in accordance with procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(b) REPORTS.—Within 15 days of any negotiations, meetings, discussions, or contacts between individuals described in subsection (a), with respect to any matter, the President shall submit a report to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate detailing the individuals involved, the matters discussed, and any agreements made, including agreements to conduct future negotiations, meetings, discussions, or contacts.

DeWINE AMENDMENT NO. 1931

(Ordered to lie on the table.)

Mr. HELMS (for Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 12, between lines 4 and 5, insert the following new subsection:

(d) REIMBURSEMENT OF COLUMBUS, OHIO, FOR EXTRAORDINARY SECURITY EXPENSES.—Of the amounts authorized to be appropriated for "Protection of Foreign Missions and Officials" in subsection (a)(9), $500,000 is authorized to be available to reimburse the City of Columbus, Ohio, for the costs associated with the provision by the city of extraordinary security services in connection with the World Summit on Trade Efficiency, held in Columbus in October 1994, in accordance with section 208 of title 3, United States Code. For purposes of making reimbursements under this section, the limitations of section 202(10) of title 3, United States Code, shall not apply.

INHOFE AMENDMENT NO. 1932

(Ordered to lie on the table.)

Mr. HELMS (for Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

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

SEC. . SENSE OF CONGRESS REGARDING THE GUATEMALAN PEACE PROCESS.

(a) FINDINGS.—The Congress finds that—

(1) the Guatemalan peace process to end 34 years of insurgency and internal armed confrontation has produced 6 agreements under the auspices of the United Nations as a result of the leadership of Guatemalan President Ramiro de Leon Carpio;

(2) the agreements include accords on—

(A) the protection of human rights;

(B) the rights of indigenous peoples;

(C) the treatment and rights of returning refugees; and

(D) the establishment of a Historical Clarification Commission to address past violations of human rights by both Guatemalan government forces and the insurgent guerrilla forces in the course of the 34-year internal armed confrontation;

(3) the Government of Guatemala has begun already to implement the agreements reached in the peace process, including the United National Human Rights Verification Mission to Guatemala (MINUGUA), under which more than 400 international observers today are monitoring compliance by the Government of Guatemala with the human rights accords and other obligations of Guatemala with regard to human rights;

(4) the government of President de Leon Carpio has taken significant steps to strengthen and reform the Guatemalan judicial system, law enforcement, and civil institutions;

(5) under the reform constitution of 1985, Guatemala has enjoyed 3 consecutive constitutional successions of power, including the election of President de Leon Carpio by the Guatemalan congress in the wake of the successful resistance of congress, the Guatemalan constitutional court, the Guatemalan military and the Guatemalan people to the abortive attempted autocoup by then President Serrano;

(6) Guatemala has announced elections for President and congress in November 1995;

(7) even in light of these substantial achievements to date, all friends of Guatemala hope for more progress, especially progress toward respect for human rights, the end of immunity from prosecution, the punishment of individuals who commit human rights violations, and the development of strong civilian institutions; and

(8) all friends of Guatemala should offer support for those elements of the Guatemalan government, the Guatemalan military, and Guatemalan society who are committed to completing the peace process and to national reconciliation now, in the time of transition, when that assistance can be of greatest assistance.

(b) SENSE OF CONGRESS.—The Congress hereby—

(1) encourages the President to continue to support the just and speedy conclusion of the Guatemalan peace process through its participation in the Group of Friends of the Guatemalan Peace Process and otherwise; and

(2) encourages the President to offer support to the Guatemalan government in its efforts to reform and strengthen civilian institutions, especially efforts to strengthen the judicial system, law enforcement, and local government.

MURKOWSKI AMENDMENT NO. 1933

(Ordered to lie on the table.)

Mr. HELMS (for Mr. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . NORTH-SOUTH DIALOGUE ON THE KOREAN PENINSULA AND THE UNITED STATES-NORTH KOREA AGREED FRAMEWORK.

(a) FINDINGS.—The Congress finds that—

(1) the Agreed Framework Between the United States and the Democratic People's Republic of Korea of October 21, 1994, states in Article III, paragraph (2), that "[t]he DPRK will consistently take steps to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula";

(2) the Agreed Framework also states the "[t]he DPRK will engage in North-South dialogue, as this Agreed Framework will help create an atmosphere that promotes such dialogue";

(3) the two agreements entered into between North and South Korea in 1992, namely the North-South Denuclearization Agreement and the Agreement on Reconciliation, Nonaggression and Exchanges and Cooperation, provide an existing and detailed framework for dialogue between North and South Korea;

(4) the North Korean nuclear program is just one of the lingering threats to peace on the Korean Peninsula; and

(5) the reduction of tensions between North and South Korea directly serve United States interests, given the substantial defense commitment of the United States to South Korea and the presence on the Korean Peninsula of United States troops.

(b) STEPS TOWARD NORTH-SOUTH DIALOGUE ON THE KOREAN PENINSULA.—It is the sense of the Congress that—

(1) substantive dialogue between North and South Korea is vital to the implementation of the Agreed Framework Between the United States and North Korea, dated October 21, 1994; and

(2) together with South Korea and other concerned allies, and in keeping with the spirit and letter of the 1992 agreements between North and South Korea, the President should pursue measures to reduce tensions between North and South Korea and should facilitate progress toward—

(A) holding a North Korea-South Korea summit;

(B) initiating mutual nuclear facility inspections by North and South Korea;

(C) establishing liaison offices in both North and South Korea;

(D) resuming a North-South joint military discussion regarding steps to reduce tensions between North and South Korea;

(E) expanding trade relations between North and South Korea;

(F) promoting freedom to travel between North and South Korea by citizens of both North and South Korea;

(G) cooperating in science and technology; education, the arts, health, sports, the environment, publishing, journalism, and other fields of mutual interest;

(H) establishing postal and telecommunications services between North and South Korea; and

(I) reconnecting railroads and roadways between North and South Korea.

(c) REPORT TO CONGRESS.—Beginning 3 months after the date of enactment of this Act, and every 6 months thereafter, the President shall transmit to the appropriate congressional committees a report setting forth the progress made in carrying out subsection (a).

(d) DEFINITIONS.—As used in this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representative.

(2) NORTH KOREA.—The term "North Korea" means the Democratic People's Republic of Korea.

(3) SOUTH KOREA.—The term "South Korea" means the Republic of Korea.

D'AMATO AMENDMENT NO. 1934

(Ordered to lie on the table.)

Mr. HELMS (for Mr. D'AMATO) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. . ANNUAL REPORTS ON IRAN.

(a) REQUIREMENT.—Beginning one year after the date of enactment of this Act, and annually thereafter, the President shall submit to the congressional committees specified in subsection (b) a report describing, for the preceding 12-month period—

(1) actions by Iran in support of acts of international terrorism;

(2) the status of programs in Iran to develop nuclear, biological, and chemical weapons:

(3) the acquisition by Iran of additional conventional weapons; and

(4) the record of Iran in observing internationally recognized human rights.

(b) FORM OF REPORT.—The report shall be submitted in unclassified form, together with a classified addendum, if necessary.

(c) COMMITTEES SPECIFIED.—The congressional committees referred to in subsection (a) are the Committees on International Relations and Banking and Financial Services of the House of Representatives and the Committees on Foreign Relations and Banking, Housing, and Urban Affairs of the Senate.

McCAIN AMENDMENT NO. 1935

(Ordered to lie on the table.)

Mr. HELMS (for Mr. McCAIN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, below line 20, add the following:

SEC. 618. IRAN AND IRAQ ARMS NON-PROLIFERATION.

(a) CLARIFICATION OF POLICY.—Section 1602(a) of the Iran-Iraq Arms Non-Proliferation Act of 1992 (title XVI of Public Law 102-484; 50 U.S.C. 1701 note) is amended by striking out "chemical, biological, nuclear," and inserting in lieu thereof "weapons of mass destruction".

(b) SANCTIONS AGAINST IRAN.—Section 1603 of such Act is amended by striking out "paragraphs (1) through (4)" and inserting in lieu thereof "paragraphs (1) through (8)".

(c) SANCTIONS AGAINST CERTAIN PERSONS.—(1) Subsection (a) of section 1604 of such Act is amended by inserting "to acquire weapons of mass destruction, or the means of their delivery, or" before "to acquire".

(2) Subsection (b) of such section 1604 is amended—

(A) in paragraph (1), ", and shall provide for the expeditious termination of any current contract for goods or services," after "goods or services";

(B) in paragraph (2), by inserting ", and shall revoke any license issued," after "shall not issue"; and

(C) by adding at the end the following new paragraphs:

"(3) MIGRATION SANCTION.—

"(A) INDIVIDUALS.—The sanctioned person shall be ineligible to receive a visa for entry into the United States and shall be excluded from admission into the United States.

"(B) CORPORATIONS.—In the case of a sanctioned person that is a corporation, partnership, or other form of association, the officers, directors, employees, and agents of the corporation, partnership, or association shall be ineligible to receive a visa for entry into the United States and shall be excluded from admission into the United States.

"(4) FINANCIAL INSTITUTIONS.—The President shall by order prohibit any depository institution that is chartered by, or that has its principal place of business within, a State, the District of Columbia, or the United States from making any loan or providing any credit to the sanctioned person, except for loans or credits for the purpose of purchasing food or other agricultural commodities.

"(5) TRANSITING UNITED STATES TERRITORY.—(A) Notwithstanding any other provision of law (other than a treaty or other international agreement), no sanctioned person, no item which is the product or manufacture of the sanctioned person, and no technology developed by the sanctioned person may transit any territory subject to the jurisdiction of the United States.

"(B) The Secretary of Transportation may provide for such exceptions from this paragraph as the Secretary considers necessary to provide for emergencies in which the safety of an aircraft or a vessel, or its crew or passengers, is threatened.".

(3) Such section 1604 is further amended by adding at the end the following new subsection:

"(c) EXCEPTIONS.—The sanction described in subsection (b)(1) shall not apply in the case of procurement of defense articles or defense services—

"(1) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy operational military requirements essential to the national security of the United States;

"(2) if the President determines that the person or other entity to which the sanctions would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

"(3) if the President determines that such articles or services are essential to the national security under defense coproduction agreements.".

(d) SANCTIONS AGAINST FOREIGN COUNTRIES.—(1) Subsection (a) of section 1605 of such Act is amended by inserting "to acquire weapons of mass destruction, or the means of their delivery, or" before "to acquire".

(2) Subsection (b) of such section 1605 is amended by adding at the end the following new paragraph:

"(6) ADDITIONAL SANCTIONS.—The sanctions against Iraq specified in paragraphs (1), (3), (4), (6), and (7) of section 586G(a) of the Iraq Sanctions Act of 1990 (50 U.S.C. 1701 note) shall be applied to the same extent and in the same manner with respect to a sanctioned country.".

(3) Such section 1605 is further amended—

(A) in subsection (a)(2), by striking out "the sanction" and inserting in lieu thereof "the sanctions"; and

(B) by striking out subsection (c) and inserting in lieu thereof the following new subsection (c):

"(c) DISCRETIONARY SANCTIONS.—The sanctions referred to in subsection (a)(2) are as follows:

"(1) USE OF AUTHORITIES OF INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the President may exercise, in accordance with the provisions of that Act, the authorities of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to the sanctioned country.

"(B) EXCEPTION.—Subparagraph (A) does not apply with respect to urgent humanitarian assistance.

"(2) PROHIBITION ON VESSELS THAT ENTER PORTS OF SANCTIONED COUNTRIES TO ENGAGE IN TRADE.—

"(A) IN GENERAL.—Beginning on the 10th day after a sanction is imposed under this title against a country, a vessel which enters a port or place in the sanctioned country to engage in the trade of goods or services may not, if the President so requires, within 180 days after departure from such port or place in the sanctioned country, load or unload any freight at any place in the United States.

"(B) DEFINITION.—As used in this paragraph, the term 'vessel' includes every description of water craft or other contrivance used, or capable of being used, as a means of transportation in water, but does not include aircraft.

"(3) PRESIDENTIAL ACTION REGARDING AVIATION.—(A)(i) The President may notify the government of the sanctioned country of his intention to suspend the authority of foreign air carriers owned or controlled by the government of that country to engage in foreign

air transportation to or from the United States.

"(ii) The President may direct the Secretary of Transportation to suspend at the earliest possible date the authority of any foreign air carrier owned or controlled, directly or indirectly, by that government to engage in foreign air transportation to or from the United States, notwithstanding any agreement relating to air services.

"(B)(i) The President may direct the Secretary of State to terminate any air service agreement between the United States and the sanctioned country in accordance with the provisions of that agreement.

"(ii) Upon termination of an agreement under this subparagraph, the Secretary of Transportation shall take such steps as may be necessary to revoke at the earliest possible date the right of any foreign air carrier owned, or controlled, directly or indirectly, by the government of that country to engage in foreign air transportation to or from the United States.

"(C) The President shall direct the Secretary of Transportation to provide for such exceptions from this paragraph as the President considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers is threatened.

"(D) For purposes of this paragraph, the terms 'air carrier', 'air transportation', 'aircraft', and 'foreign air carrier' have the meanings given such terms in paragraphs (2), (5), (6), and (21) of section 40102 of title 49, United States Code, respectively.".

(4) Such section 1605 is further amended by adding at the end the following new subsection:

"(d) SANCTION FOR ASSISTING IRAN IN IMPROVING ROCKET OR OTHER WEAPONS CAPABILITY.—The sanction set forth in section 586I(a) of the Iraq Sanctions Act of 1990 (50 U.S.C. 1701 note) against governments that assist Iraq in improving its rocket technology or weapons of mass destruction capability shall be applied to the same extent and in the same manner with respect to governments that so assist Iran.".

(e) TERMINATION OF SANCTIONS AGAINST CERTAIN PERSONS.—Such Act is further amended—

(1) in section 1604(b)—

(A) by striking out "The sanctions" in the matter preceding paragraph (1) and inserting in lieu thereof "Subject to section 1606A, the sanctions"; and

(B) by striking out "For a period of two years, the United States" in paragraphs (1) and (2) and inserting in lieu thereof "The United States";

(2) in section 1605—

(A) by striking out "If" in subsection (a) and inserting in lieu thereof "Subject to section 1606A, if"; and

(B) in subsection (b)—

(i) by striking out ", for a period of one year," in paragraphs (1), (3), and (4);

(ii) by striking out "for a period of one year," in paragraph (2);

(iii) by striking out "during that period" in paragraph (4); and

(iv) by striking out "for a period of one year" in paragraph (5); and

(3) by inserting after section 1606 the following new section:

"SEC. 1606A. TERMINATION OF SANCTIONS.

"Except as otherwise provided in this title, the sanctions imposed pursuant to section 1604(a) or 1605(a) shall cease to apply to a sanctioned person or government 30 days after the President certifies to the Congress that reliable information indicates that the sanctioned person or government, as the case may be, has ceased to violate this title.".

(f) WAIVER.—Section 1606 of such Act is amended by striking out "or 1605(b)" and inserting in lieu thereof "1605(b), or 1605(d)".

(g) RULES AND REGULATIONS.—Such Act is further amended by adding after section 1607 the following new section:

"SEC. 1607A. RULES AND REGULATIONS.

"The President may prescribe such rules and regulations as the President requires to carry out this title.".

(h) DEFINITIONS.—Section 1608 of such Act is amended—

(1) in paragraph (1)—

(A) by inserting "naval vessels with offensive capabilities," after "advanced military aircraft," in subparagraph (A); and

(B) by striking out "or enhance offensive capabilities in destabilizing ways" each place it appears and inserting in lieu thereof ", enhance offensive capabilities in destabilizing ways, or threaten international shipping";

(2) in paragraph (7), by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph (A):

"(A) any assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), other than urgent humanitarian assistance or medicine;"; and

(3) by adding at the end the following:

"(8) The term 'goods or technology' includes any item of the type that is listed on the Nuclear Referral List under section 309(c) of the Nuclear Non-Proliferation Act of 1978, the United States Munitions List (established in section 38 of the Arms Export Control Act), or the MTCR Annex (as defined in section 74(4) of the Arms Export Control Act) or any item that is subject to licensing by the Nuclear Regulatory Commission.

"(9) The term 'United States' includes territories and possessions of the United States and the customs waters of the United States, as defined in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401).

"(10) The term 'weapons of mass destruction' includes nuclear, chemical, and biological weapons.".

(i) TECHNICAL AMENDMENTS.—Such Act is further amended—

(1) in section 1606, by striking out "the Committees on Armed Services and Foreign Affairs of the House of Representatives" and inserting in lieu thereof "the Committees on National Security and International Relations of the House of Representatives "; and

(2) in section 1607, by striking out "the Committees on Armed Services and Foreign Affairs of the House of Representatives" each place it appears in subsections (a) and (b) and inserting in lieu thereof "the Committees on National Security and International Relations of the House of Representatives".

(j) REVISION OF FOREIGN ASSISTANCE ACT OF 1961.—Section 498A(b)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2295a(b)(3)) is amended by inserting "and notwithstanding the compliance of such state with international agreements relating to weapons of mass destruction," before "knowingly transferred" in the matter preceding subparagraph (A).

(k) REVISION OF IRAQ SANCTIONS ACT OF 1990.—Section 586I(a) of the Iraq Sanctions Act of 1990 (50 U.S.C. 1701 note) is amended by striking out "or chemical, biological, or nuclear weapons capability" and inserting in lieu thereof "its chemical, biological, or nuclear weapons capability, or its acquisition of destabilizing numbers and types of advanced conventional weapons".

HELMS (AND OTHERS) AMENDMENT NO. 1936

(Ordered to lie on the table.)

Mr. HELMS (for himself, Mr. DOLE, Mr. MACK, Mr. COVERDELL, Mr. GRAHAM, Mr. D'AMATO, Mr. HATCH, Mr. GRAMM, Mr. THURMOND, Mr. FAIRCLOTH, Mr. GREGG, Mr. INHOFE, Mr. HOLLINGS, Ms. SNOWE, Mr. KYL, Mr. THOMAS, Mr. SMITH, Mr. LIEBERMAN, Mr. WARNER, Mr. NICKLES, Mr. ROBB, and Mr. CRAIG) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

At the end of the bill, add the following new division: "Division C—Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995".

SECTION 2001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as "Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995".

(b) TABLE OF CONTENTS.—The table of contents of this division is as follows:

Sec. 2001. Short title; table of contents.
Sec. 2002. Findings.
Sec. 2003. Purposes.
Sec. 2004. Definitions.
TITLE I—STRENGTHENING INTERNATIONAL SANCTIONS AGAINST THE CASTRO GOVERNMENT
Sec. 2101. Statement of Policy.
Sec. 2102. Authorization of support for democratic and human rights groups and international observers.
Sec. 2103. Enforcement of the economic embargo of Cuba.
Sec. 2104. Prohibition against indirect financing of Cuba.
Sec. 2105. United States opposition to Cuban membership in international financial institutions.
Sec. 2106. United States opposition to the termination of the suspension of the Government of Cuba from participation in the Organization of American States.
Sec. 2107. Assistance by the independent states of the former Soviet Union for the Government of Cuba.
Sec. 2108. Television broadcasting to Cuba.
Sec. 2109. Reports on commerce with, and assistance to, Cuba from other foreign countries.
Sec. 2110. Importation safeguard against certain Cuban products.
Sec. 2111. Reinstitution of family remittances and travel to Cuba.
Sec. 2112. News Bureaus in Cuba.
TITLE II—SUPPORT FOR A FREE AND INDEPENDENT CUBA
Sec. 2201. Policy toward a transition government and a democratically elected government in Cuba.
Sec. 2202. Assistance for the Cuban people.
Sec. 2203. Implementation; reports to Congress.
Sec. 2204. Termination of the economic embargo of Cuba.
Sec. 2205. Requirements for a transition government.
Sec. 2206. Requirements for a democratically elected government.
Sec. 2207. Settlement of outstanding U.S. claims to confiscated property in Cuba.
TITLE III—PROTECTION OF AMERICAN NATIONALS AGAINST CONFISCATORY TAKINGS BY THE CASTRO REGIME IN VIOLATION OF INTERNATIONAL LAW
Sec. 2301. Statement of Policy.

Sec. 2302. Liability for trafficking in confiscated property claimed by United States nationals.
Sec. 2303. Proof of Ownership.
Sec. 2304. Exclusivity of Foreign Claims Settlement Commission Certification Procedure.

SEC. 2002. FINDINGS.

The Congress makes the following findings:

(1) The economy of Cuba has experienced a decline of approximately 60 percent in the last 5 years as a result of—

(A) the reduction in subsidies from the former Soviet Union;

(B) 36 years of Communist tyranny and economic mismanagement by the Castro government;

(C) the precipitous decline in trade between Cuba and the countries of the former Soviet bloc; and

(D) the policy of the Russian Government and the countries of the former Soviet bloc to conduct economic relations with Cuba predominantly on commercial terms.

(2) At the same time, the welfare and health of the Cuban people have substantially deteriorated as a result of Cuba's economic decline and the refusal of the Castro regime to permit free and fair democratic elections in Cuba or to adopt any economic or political reforms that would lead to democracy, a market economy, or an economic recovery.

(3) The repression of the Cuban people, including a ban on free and fair democratic elections and the continuing violation of fundamental human rights, has isolated the Cuban regime as the only nondemocratic government in the Western Hemisphere.

(4) As long as no such economic or political reforms are adopted by the Cuban government, the economic condition of the country and the welfare of the Cuban people will not improve in any significant way.

(5) Fidel Castro has defined democratic pluralism as "pluralistic garbage" and has made clear that he has no intention of permitting free and fair democratic elections in Cuba or otherwise tolerating the democratization of Cuban society.

(6) The Castro government, in an attempt to retain absolute political power, continues to utilize, as it has from its inception, torture in various forms (including psychiatric abuse), execution, exile, confiscation, political imprisonment, and other forms of terror and repression as most recently demonstrated by the massacre of more than 40 Cuban men, women, and children attempting to flee Cuba.

(7) The Castro government holds hostage in Cuba innocent Cubans whose relatives have escaped the country.

(8) The Castro government has threatened international peace and security by engaging in acts of armed subversion and terrorism, such as the training and supplying of groups dedicated to international violence.

(9) Over the past 36 years, the Cuban government has posed a national security threat to the United States.

(10) The completion and any operation of a nuclear-powered facility in Cuba, for energy generation or otherwise, poses an unacceptable threat to the national security of the United States.

(11) The unleashing on United States shores of thousands of Cuban refugees fleeing Cuban oppression will be considered an act of aggression.

(12) The Government of Cuba engages in illegal international narcotics trade and harbors fugitives from justice in the United States.

(13) The totalitarian nature of the Castro regime has deprived the Cuban people of any peaceful means to improve their condition and has led thousands of Cuban citizens to risk or lose their lives in dangerous attempts to escape from Cuba to freedom.

(14) Attempts to escape from Cuba and courageous acts of defiance of the Castro regime by Cuban pro-democracy and human rights groups have ensured the international community's continued awareness of, and concern for, the plight of Cuba.

(15) The Cuban people deserve to be assisted in a decisive manner in order to end the tyranny that has oppressed them for 36 years.

(16) Radio Marti and Television Marti have been effective vehicles for providing the people of Cuba with news and information and have helped to bolster the morale of the Cubans living under tyranny.

(17) The consistent policy of the United States towards Cuba since the beginning of the Castro regime, carried out by both Democratic and Republican administrations, has sought to keep faith with the people of Cuba, and has been effective in isolating the totalitarian Castro regime.

SEC. 2003. PURPOSES.

The purposes of this division are—

(1) to assist the Cuban people in regaining their freedom and prosperity, as well as in joining the community of democratic countries that are flourishing in the Western Hemisphere;

(2) to strengthen international sanctions against the Castro government;

(3) to provide for the continued national security of the United States in the face of continuing threats from the Castro government of terrorism, theft of property from United States nationals, and the political manipulation of the desire of Cubans to escape that results in mass migration to the United States;

(4) to encourage the holding of free and fair democratic elections in Cuba, conducted under the supervision of internationally recognized observers;

(5) to provide a policy framework for United States support to the Cuban people in response to the formation of a transition government or a democratically elected government in Cuba; and

(6) to protect American nationals against confiscatory takings and the wrongful trafficking in property confiscated by the Castro regime.

SEC. 2004. DEFINITIONS.

As used in this division, the following terms have the following meanings—

(1) AGENCY OR INSTRUMENTALITY OF A FOREIGN STATE.—The term "agency or instrumentality of a foreign state" has the meaning given that term in section 1603(b) of title 28, United States Code, except as otherwise provided for in this division under section 2004(5).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(3) COMMERCIAL ACTIVITY.—The term "commercial activity" has the meaning given that term in section 1603(d) of title 28, United States Code.

(4) CONFISCATED.—The term "confiscated" refers to:

(A) the nationalization, expropriation, or other seizure by Cuban government of ownership or control of property, on or after January 1, 1959,—

(i) without the property having been returned or adequate and effective compensation provided; or

(ii) without the claim to the property having been settled pursuant to an international claims settlement agreement or other mutually accepted settlement procedure; and

(B) the repudiation by the Cuban government of, the default by the Cuban government on, or the failure by the Cuban government to pay, on or after January 1, 1959—

(i) a debt of any enterprise which has been nationalized, expropriated or otherwise taken by the Cuban government,

(ii) a debt which is a charge on property nationalized, expropriated or otherwise taken by the Cuban government, or

(iii) a debt which was incurred by the Cuban government in satisfaction or settlement of a confiscated property claim.

(5) CUBAN GOVERNMENT.—(A) The terms "Cuban government" and "Government of Cuba" include the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba.

(B) For purposes of subparagraph (A), the term "agency or instrumentality of the Government of Cuba" means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with "Cuba" substituted for "a foreign state" each place it appears in such section.

(6) DEMOCRATICALLY ELECTED GOVERNMENT IN CUBA.—The term "democratically elected government in Cuba" means a government that the President has determined as being democratically elected, taking into account the factors listed in section 2206.

(7) ECONOMIC EMBARGO OF CUBA.—The term "economic embargo of Cuba" refers to the economic embargo imposed against Cuba pursuant to section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)), section 5(b) of the Trading With the Enemy Act (50 U.S.C. 1701 and following), the Export Administration Act of 1979 (50 U.S.C. App. 5(b)), the International Emergency Economic Powers Act (50 U.S.C. App. 2401 and following), as modified by the Cuban Democracy Act of 1992 (22 U.S.C. 6001 and following).

(8) FOREIGN NATIONAL.—The term "foreign national" means—

(A) an alien, or

(B) any corporation, trust, partnership, or other juridical entity not organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

(9) KNOWINGLY.—The term "knowingly" means with knowledge or having reason to know.

(10) OFFICIAL OF THE CUBAN GOVERNMENT OR THE RULING POLITICAL PARTY IN CUBA.—The term "official of the Cuban Government or the ruling political party in Cuba" refers to members of the Council of Ministers, Council of State, central committee of the Cuban Communist Party, the Politburo, or their equivalents.

(11) PROPERTY.—(A) The term "property" means any property (including patents, copyrights, trademarks and any other form of intellectual property), whether real, personal or mixed, and any present, future, or contingent right, security, or other interest therein, including any leasehold interest.

(B) For purposes of Title III of this division, the term "property" shall not include real property used for residential purposes, unless, at the time of enactment of this Act—

(i) the claim to the property is held by a United States national and the claim has been certified under title V of the International Claims Settlement Act of 1949; or

(ii) the property is occupied by an official of the Cuban government or the ruling political party in Cuba.

(12) TRAFFICS.—(A) As used in title III, a person or entity "traffics" in property if that person or entity knowingly and intentionally—

(i) sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, possesses, obtains controls of, manages, uses or otherwise acquires or holds an interest in confiscated property,

(ii) engages in a commercial activity using or otherwise benefitting from a confiscated property, or

(iii) causes, directs, participates in, or profits from, trafficking (as described in clauses (i) and (ii) by another person, or otherwise engages in trafficking (as described in clauses (i) and (ii)) through another person, without the authorization of the United States national who holds a claim to the property.

(B) The term "traffic" does not include—

(i) the delivery of international telecommunications signals to Cuba;

(ii) the trading or holding of securities publicly traded or held, unless the trading is with or by a person determined by the Secretary of the Treasury to be a specially designated national;

(iii) transactions and uses of property incident to lawful travel to Cuba, to the degree that such transactions and uses of property are necessary to the conduct of such travel; or

(iv) transactions and uses property for residential purposes by a person who is both a citizen of Cuba and a resident of Cuba, and who is not an official of the Cuban government or the ruling political party in Cuba, uncles, at the time of enactment of this Act, the claim to the property is held by a United States national and the claim has been certified under title V of the International Claims Settlement Act of 1949.

(13) TRANSITION GOVERNMENT IN CUBA.—The term "transition government in Cuba" means a government that the President determines as being a transition government consistent with the requirements and factors listed in section 2205.

(14) UNITED STATES NATIONAL.—The term "United States national" means—

(A) any United States citizen; or

(B) any other legal entity which is organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico, or any other territory or possession of the United States, and which has its principal place of business in the United States

TITLE I—STRENGTHENING INTERNATIONAL SANCTIONS AGAINST THE CASTRO GOVERNMENT

SEC. 2101. STATEMENT OF POLICY.

It is the sense of the Congress that—

(1) the acts of the Castro government, including its massive, systematic, and extraordinary violations of human rights, are a threat to international peace;

(2) the President should advocate, and should instruct the United States Permanent Representative to the United Nations to propose and seek within the Security Council a mandatory international embargo against the totalitarian government of Cuba pursuant to chapter VII of the Charter of the United Nations, employing efforts similar to consultations conducted by United States representatives with respect to Haiti;

(3) any resumption of efforts by any independent state of the former Soviet Union to make operational the nuclear facility at Cienfuegos, Cuba, and the continuation of intelligence activities from Cuba targeted at the United States and its citizens will have a detrimental impact on United States and its citizens will have a detrimental impact on United States assistance to such state; and

(4) in view of the threat to the national security posed by the operation of any nuclear facility, and the Castro government's continuing blackmail to unleash another wave of Cuban refugees fleeing from Castro's oppression, most of whom find their way to other resources of the United States, the President should do all in his power to make it clear to the Cuban government that——

(A) the completion and operation of any nuclear power facility, or

(B) any further political manipulation of the desire of Cubans to escape that results in mass migration to the United States

will be considered an act of aggression which will be met with an appropriate response in order to maintain the security of the national borders of the United States and the health and safety of the American people.

SEC. 2102. AUTHORIZATION OF SUPPORT FOR DEMOCRATIC AND HUMAN RIGHTS GROUPS AND INTERNATIONAL OBSERVERS.

(a) AUTHORIZATION.—The President is authorized to furnish assistance to and make available other support for individuals and nongovernmental organizations to support democracy-building efforts in Cuba, including the following:

(1) Published and informational matter, such as books, videos, and cassettes, on transitions to democracy, human rights, and market economies to be made available to independent democratic groups in Cuba.

(2) Humanitarian assistance to victims of political repression and their families.

(3) Support for democratic and human rights groups in Cuba.

(4) Support for visits and permanent deployment of independent international human rights monitors in Cuba.

(b) DENIAL OF FUNDS TO THE GOVERNMENT OF CUBA.—In implementing this section, the President shall take all necessary steps to ensure that no funds or other assistance are provided to the Government of Cuba or any of its agencies, entities or instrumentalities.

(c) SUPERSEDING OTHER LAWS.—Assistance may be provided under this section notwithstanding any other provision of law, except for section 634(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394) and comparable notification requirements contained in sections of the annual foreign operations, export financing, and related programs Act.

SEC. 2103. ENFORCEMENT OF THE ECONOMIC EMBARGO OF CUBA.

(a) POLICY.—(1) The Congress hereby reaffirms section 1704(a) of the Cuban Democracy Act of 1992, which states the President should encourage foreign countries to restrict trade and credit relations with Cuba in a manner consistent with the purposes of that Act.

(2) The Congress further urges the President to take immediate steps to apply the sanctions described in section 1704(b)(1) of such Act against countries assisting Cuba.

(b) DIPLOMATIC EFFORTS.—The Secretary of State should ensure that United States diplomatic personnel abroad understand and, in their contacts with foreign officials are communicating the reasons for the United States economic embargo of Cuba, and are urging foreign governments to cooperate more effectively with the embargo.

(c) EXISTING REGULATIONS.—The President shall instruct the Secretary of the Treasury and the Attorney General to enforce fully the Cuban Assets Control Regulations in part 515 of title 31, Code of Federal Regulations.

(d) TRADING WITH THE ENEMY ACT.—(1) Subsection (b) of section 16 of the Trading With the Enemy Act (50 U.S.C. App. 16(b)), as added by Public Law 102-484, is amended to read as follows:

"(b)(1) A civil penalty of not to exceed $50,000 may be imposed by the Secretary of the Treasury on any person who violates any license, order, rule, or regulation issued in compliance with the provisions of this division.

"(2) Any property, funds, securities, papers, or other articles or documents, or any vessel, together with its tackle, apparel, furniture, and equipment, that is the subject of a violation under paragraph (1) shall, at the direction of the Secretary of the Treasury, be forfeited to the United States Government.

"(3) Judicial review of any penalty imposed under this subsection may be had to the extent provided in section 702 of title 5, United States Code."

(2) Section 16 of the Trading With the Enemy Act is further amended—

(A) by striking subsection (b), as added by Public Law 102-393; and

(B) by striking subsection (c).

(e) COVERAGE OF DEBT-FOR-EQUITY SWABS UNDER THE ECONOMIC EMBARGO OF CUBA.—Section 1704(b)(2) of the Cuban Democracy Act of 1992 (22 U.S.C. 6003(b)(2)) is amended—

(1) by striking out "and" at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) includes an exchange, reduction, or forgiveness of Cuban debt owed to a foreign country in return for a grant of an equity interest in a property, investment, or operation of the Government of Cuban or of a Cuban national; and".

SEC. 2104. PROHIBITION AGAINST INDIRECT FINANCING OF CUBA.

(a) PROHIBITION.—Notwithstanding any other provision of law, no loan, credit, or other financing may be extended knowingly by a United States national, a permanent resident alien, or a United States agency to a foreign or United States national for the purpose of financing transactions involving any property confiscated by the Cuban government the claim to which is owned by a United States national as of the date of enactment of this provision, except for financing by the owner of the property or the claim thereto for a permitted transaction.

(b) SUSPENSION AND TERMINATION OF PROHIBITION.—(1) The President is authorized to suspend this prohibition upon a determination pursuant to section 2204(a).

(2) The prohibition in subsection (a) shall cease to apply on the date of termination of the economic embargo of Cuba, as provided for in section 2204.

(c) PENALTIES.—Violations of subsection (a) shall be punishable by the civil penalties as are applicable to similar violations of the Cuban Assets Control Regulations in part 515 of title 31, Code of Federal Regulations.

SEC. 2105. UNITED STATES OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) CONTINUED OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.—

(1) Except as provided in paragraph (2), the Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to oppose the admission of Cuba as a member of such institutions until the President submits a determination pursuant to section 2203(c).

(2) Once the President submits a determination under section 2203(a) that a transition government in Cuba is in power—

(A) the President is encouraged to take steps to support the processing of Cuba's application for membership in any international financial institution, subject to the membership taking effect after a democratically elected government in Cuba is in power, and

(B) the Secretary of the Treasury is authorized to instruct the United States executive director of each international financial institution to support loans or other assistance to Cuba only to the extent that such loans or assistance contribute to a stable foundation for a democratically elected government in Cuba.

(b) REDUCTION IN UNITED STATES PAYMENTS TO INTERNATIONAL FINANCIAL INSTITUTIONS.—If any international financial institution approves a loan or other assistance to the Cuban government over the opposition of the United States, then the Secretary of the Treasury shall withhold from payment to such institution an amount equal to the amount of the loan or other assistance, with respect to each of the following types of payment:

(1) The paid-in portion of the increase in capital stock of the institution.

(2) The callable portion of the increase in capital stock of the institution.

(c) DEFINITION.—For the purposes of this section, the term "international financial institution" means the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the Inter-American Development Bank.

SEC. 2106. UNITED STATES OPPOSITION TO TERMINATION OF THE SUSPENSION OF THE GOVERNMENT OF CUBA FROM PARTICIPATION IN THE ORGANIZATION OF AMERICAN STATES.

The President should instruct the United States Permanent Representative to the Organization of American States to oppose and vote against any termination of the suspension of the Cuban government from participation in the Organization until the President determines under section 2203(c) that a democratically elected government in Cuba is in power.

SEC. 2107. ASSISTANCE BY THE INDEPENDENT STATES OF THE FORMER SOVIET UNION FOR THE GOVERNMENT OF CUBA.

(a) REPORTING REQUIREMENT.—Not later than 90 days after the date of enactment of this division, the President shall submit to the appropriate congressional committees a report detailing progress toward the withdrawal of personnel of any independent state of the former Soviet Union (within the meaning of section 3 of the FREEDOM Support Act (22 U.S.C. 5801)), including advisers, technicians, and military personnel, from the Cienfuegos nuclear facility in Cuba.

(b) CRITERIA FOR ASSISTANCE.—Section 498A(a)(11) of the Foreign Assistance Act of 1961 (22 U.S.C. 2295a(a)(1)) is amended by striking "of military facilities" and inserting "military and intelligence facilities, including the military and intelligence facilities at Lourdes and Cienfuegos,".

(c) INELIGIBILITY FOR ASSISTANCE.—(1) Section 498A(b) of that Act (22 U.S.C. 2295a(b)) is amended—

(A) by striking "or" at the end of paragraph (4);

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following:

"(5) for the government of any independent state effective 30 days after the President has determined and certified to the appropriate congressional committees (and Congress has not enacted legislation disapproving the determination within the 30-days period) that such government is providing assistance for, or engaging in nonmarket based trade (as defined in section 498B(k)(3)) with, the Government of Cuba; or".

(2) Subsection (k) of section 498B of that Act (22 U.S.C. 2295b(k)), is amended by adding at the end the following:

"(3) Nonmarket based trade.—As used in section 498A(b)(5), the term 'nonmarket based trade' includes exports, imports, exchanges, or other arrangements that are provided for goods and services (including oil and other petroleum products) on terms more favorable than those generally available in applicable markets or for comparable commodities, including—

"(A) exports to the Government of Cuba on terms that involve a grant, concessional price, guarantee, insurance, or subsidy;

"(B) imports from the Government of Cuba at preferential tariff rates;

"(C) exchange arrangements that include advance delivery of commodities, arrangements in which the Government of Cuba is not held accountable for unfulfilled exchange contracts, and arrangements under which Cuba does not pay appropriate transportation, insurance, or finance costs; and

"(D) the exchange, reduction, or forgiveness of Cuban government debt in return for a grant by the Cuban government of an equity interest in a property, investment, or operation of the Government of Cuba or of a Cuban national.".

"(4) CUBAN GOVERNMENT.—(A) The term Cuban government includes the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba.

"(B) For purposes of subparagraph (A), the term "agency or instrumentality of the Government of Cuba" means any agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with "Cuba" substituted for "a foreign state" each place it appears in such section."

"(d) FACILITIES AT LOURDES, CUBA.—(1) The Congress expresses its strong disapproval of the extension by Russia of credits equivalent to $200,000,000 in support of the intelligence facility at Lourdes, Cuba, in November 1994.

(2) Section 498A of the Foreign Assistance Act of 1961 (22 U.S.C. 2295a) is amended by adding at the end the following new subsection:

"(d) REDUCATION IN ASSISTANCE FOR SUPPORT OF INTELLIGENCE FACILITIES IN CUBA.—(1) Notwithstanding any other provision of law, the President shall withhold from assistance provided, on or after the date of enactment of this subsection, for an independent state of the former Soviet Union under this chapter an amount equal to the sum of assistance and credits, if any, provided on or after such date by such state in support of intelligence facilities in Cuba, including the intelligence facility at Lourdes, Cuba.

"(2)(A) The President may waive the requirement of paragraph (1) to withhold assistance if the President certifies to the appropriate congressional committees that the provision of such assistance is important to the national security of the United States, and, in the case of such a certification made with respect to Russia, if the President certifies that the Russian Government has assured the United States Government that the Russian Government is not sharing intelligence data collected at the Lourdes facility with officials or agents of the Cuban Government.

"(B) At the time of a certification made with respect to Russia pursuant to subparagraph (A), the President shall also submit to the appropriate congressional committees a report describing the intelligence activities of Russia in Cuba, including the purposes for which the Lourdes facility is used by the Russian Government and the extent to which the Russian Government provides payment or government credits to the Cuban Government for the continued use of the Lourdes facility.

"(C) The report required by subparagraph (B) may be submitted in classified form.

"(D) For purposes of this paragraph, the term "appropriate congressional committees, includes the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

"(3) The requirement of paragraph (1) to withhold assistance shall not apply with respect to—

"(A) assistance to meet urgent humanitarian needs, including disaster and refugee relief;

"(B) democratic political reform and rule of law activities;

"(C) technical assistance for safety upgrades of civilian nuclear power plants;

"(D) the creation of private sector and nongovernmental organizations that are independent of government control;

"(E) the development of a free market economic system; and

"(F) assistance for the purposes described in the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103-160)."

SEC. 2108. TELEVISION BROADCASTING TO CUBA.

(a) CONVERSION TO UHF.—The Director of the United States Information Agency shall implement a conversion of television broadcasting to Cuba under the Television Marti Service to ultra high frequency (UHF) broadcasting.

(b) PERIODIC REPORTS.—Not later than 45 days after the date of enactment of this title, and every three months thereafter until the conversion described in subsection (a) is fully implemented, the Director shall submit a report to the appropriate congressional committees on the progress made in carrying out subsection (a).

(c) TERMINATION OF BROADCASTING AUTHORITIES.—Upon transmittal of a determination under section 2203(c), the Television Broadcasting to Cuba Act (22 U.S.C. 1465aa et seq.) and the Radio Broadcasting to Cuba Act (22 U.S.C. 1465 et seq.) are repealed.

SEC. 2109. REPORTS ON COMMERCE WITH, AND ASSISTANCE TO, CUBA FROM OTHER FOREIGN COUNTRIES.

(a) REPORTS REQUIRED.—Not later than 90 days after the date of enactment of this division, and by January 1 each year thereafter

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until the President submits a determination under section 2203(a) the President shall submit a report to the appropriate congressional committees on commerce with, and assistance to, Cuba from other foreign countries during the preceding 12-month period.

(b) CONTENTS OF REPORTS.—Each report required by subsection (a) shall, for the period covered by the report, contain the following, to the extent such information is available—

(1) a description of all bilateral assistance provided to Cuba by other foreign countries, including humanitarian assistance;

(2) a description of Cuba's commerce with foreign countries, including an identification of Cuba's trading partners and the extent of such trade;

(3) a description of the joint ventures completed, or under consideration, by foreign nationals and business firms involving facilities in Cuba, including an identification of the location of the facilities involved and a description of the terms of agreement of the joint ventures and the names of the parties that are involved;

(4) a determination as to whether or not any of the facilities described in paragraph (3) is the subject of a claim against Cuba by a United States national;

(5) a determination of the amount of Cuban debt owed to each foreign country, including—

(A) the amount of debt exchanged, forgiven, or reduced under the terms of each investment or operation in Cuba involving foreign nationals or businesses; and

(B) the amount of debt owed the foreign country that has been exchanged, reduced, or forgiven in return for a grant by the Cuban government of an equity interest in a property, investment or operation of the Government of Cuba or of a Cuban national;

(6) a description of the steps taken to assure that raw materials and semifinished or finished goods produced by facilities in Cuba involving foreign nationals or businesses do not enter the United States market, either directly or through third countries or parties; and

(7) an identification of countries that purchase, or have purchased, arms or military supplies from Cuba or that otherwise have entered into agreements with Cuba that have a military application, including—

(A) a description of the military supplies, equipment or other material sold, bartered, or exchanged between Cuba and such countries,

(B) a listing of the goods, services, credits, or other consideration received by Cuba in exchange for military supplies, equipment, or material, and

(C) the terms or conditions of any such agreement.

SEC. 2110. IMPORTATION SAFEGUARD AGAINST CERTAIN CUBAN PRODUCTS.

(a) STATEMENT OF POLICY.—(1) The Congress notes that section 515.204 of title 31, Code of Federal Regulations, that prohibits the entry of, and dealings outside the United States in, merchandise that—

(A) is of Cuban origin,

(B) is or has been located in or transported from or through Cuba, or

(C) is made or derived in whole or in part of any article which is the growth, produce, or manufacture of Cuba.

(2) The Congress notes that United States accession to the North American Free Trade Agreement does not modify or alter the United States sanctions against Cuba, noting that the statement of administrative action accompanying that trade agreement specifically states the following:

(A) "The NAFTA rules of origin will not in any way diminish the Cuban sanctions program. . . . Nothing in the NAFTA would operate to override this prohibition.".

(B) "Article 309(3) [of the NAFTA] permits the United States to ensure that Cuban products or goods made from Cuban materials are not imported into the United States from Mexico or Canada and that United States products are not exported to Cuba through those countries.".

(3) The Congress notes that section 902(c) of the Food Security Act of 1985 (Public Law 99-198) required the President not to allocate any of the sugar import quota to a country that is a net importer of sugar unless appropriate officials of that country verify to the President that the country does not import for reexport to the United States any sugar produced in Cuba.

(4) Protection of essential security interests of the United States requires enhanced assurances that sugar products that are entered are not products of Cuba.

(b) IN GENERAL.—(1) Notwithstanding any other provision of law, no sugar or sugar product shall enter the United States unless the exporter of the sugar or sugar product to the United States has certified, to the satisfaction of the Secretary of the Treasury, that the sugar or sugar product is not a product of Cuba.

(2) If the exporter described in paragraph (1) is not the producer of the sugar or sugar product, the exporter may certify the origin of the sugar or sugar product on the basis of—

(A) its reasonable reliance on the producer's written representations as to the origin of the sugar or sugar product; or

(B) a certification of the origin of the sugar product by its producer, that is voluntarily provided to the exporter by the producer.

(c) CERTIFICATION.—The Secretary of the Treasury shall prescribe the form, content, and manner of submission of the certification (including documentation) required in connection with the entry of sugar or sugar products, in order to ensure the strict enforcement of this section. Such certification shall be in a form sufficient to satisfy the Secretary that the exporter has taken steps to ensure that it is not exporting to the United States sugar or sugar products that are a product of Cuba.

(d) PENALTIES.—

(1) UNLAWFUL ACTS.—It is unlawful to—

(A) enter any product or article if such entry is prohibited under subsection (b), or

(B) make a false certification under subsection (c).

(2) FORFEITURE.—Any person or entity that violates paragraph (1) shall forfeit to the United States—

(A) in the case of a violation of paragraph (1)(A), the goods entered in violation of paragraph (1)(A), and

(B) in the case of a violation of paragraph (1)(B), the goods entered pursuant to the false certification that is the subject of the violation.

(3) ENFORCEMENT.—The Customs Service may exercise the authorities it has under sections 581 through 641 of the Tariff Act of 1930 (19 U.S.C. 1581 through 1641) in order to carry out paragraph (2).

(e) REPORTS TO CONGRESS.—The Secretary of the Treasury shall report to the Congress on any unlawful acts and penalties imposed under subsection (d).

(f) PUBLICATION OF LISTS OF VIOLATORS.—(1) The Secretary of the Treasury shall publish in the Federal Register, not later than March 31 and September 30 of each year, a list containing, to the extent such information is available, the name of any person or entity located outside the customs territory of the United States whose acts result in a violation of paragraph (1)(A) of subsection (d) or who violate paragraph (1)(B) of subsection (d).

(2) Any person or entity whose name has been included in a list published under paragraph (1) may petition the Secretary to be removed from such list. If the Secretary finds that such person or entity has not committed any violations described in paragraph (1) for a period of not less than 1 year after the date on which the name of the person or entity was so published, the Secretary shall remove such person from the list as of the next publication of the list under paragraph (1).

(g) DEFINITIONS.—For purposes of this section:

(1) ENTER, ENTRY.—The terms "enter" and "entry"—mean entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

(2) PRODUCT OF CUBA.—The term "product of Cuba" means a product that—

(A) is of Cuban origin,

(B) is or has been located in or transported from or through Cuba, or

(C) is made or derived in whole or in part from any article which is the growth, produce, or manufacture of Cuba.

(3) SUGAR, SUGAR PRODUCT.—The term "sugar" and "sugar product" means sugars, syrups, molasses, or products with sugar content described in additional U.S. note 5 to Chapter 17 of the Harmonized Tariff Schedule of the United States.

SEC. 2111. REINSTITUTION OF FAMILY REMITTANCES AND TRAVEL TO CUBA.

It is the sense of Congress that the President should, before considering the reinstitution of general licensure for—

(A) family remittances to Cuba—

(i) insist that, prior to such reinstitution, the government of Cuba permit the unfettered operation of small businesses fully endowed with the right to hire others to whom they may pay wages, buy materials necessary in the operation of the business and such other authority and freedom required to foster the operation of small businesses throughout the island; and

(ii) require a specific license for remittances above $500; and

(B) travel to Cuba by U.S. resident family members of Cuban nationals resident in Cuba itself insist on such actions by the government of Cuba as abrogation of the sanction for refugee departure from the island, release of political prisoners, recognition of the right of association and other fundamental freedoms.

SEC. 2112. NEWS BUREAUS IN CUBA.

(a) ESTABLISHMENT OF NEWS BUREAUS.—The President is authorized to establish and implement an exchange of news bureaus between the United States and Cuba, provided that such an exchange meets the following conditions:

(1) the exchange is fully-reciprocal;

(2) Cuba allows free, unrestricted, and uninhibited movement on the island to all American news organizations;

(3) Cuba allows American news organizations full control over the reporters they send to operate their bureaus in Cuba;

(4) the Office of Foreign Assets Control of the Department of the Treasury can ensure that only accredited journalists regularly employed with a news gathering organization avail themselves of the general license to travel to Cuba; and

(5) Cuba agrees to allow the uninhibited distribution within Cuba of any American newspapers, magazines or other media that have bureaus in Cuba.

(b) ASSURANCE AGAINST ESPIONAGE.—In implementing this section, the President shall take all necessary steps to assure the safety and security of the United States against espionage by Cuban journalists it believes to be working as an agent of Fidel Castro's intelligence.

(c) FULLY RECIPROCAL.—It is the sense of Congress that the term "fully reciprocal" means that any and all news services, news organizations, and broadcasting services, including such services or organizations that receive financing, assistance or other support from a governmental or official source, are able to establish and operate a news bureau in each nation.

TITLE II—SUPPORT FOR A FREE AND INDEPENDENT CUBA

SEC. 2201. POLICY TOWARD A TRANSITION GOVERNMENT AND A DEMOCRATICALLY ELECTED GOVERNMENT IN CUBA.

It is the policy of the United States—

(1) to support the self-determination of the Cuban people;

(2) to facilitate a peaceful transition to representative democracy and a free market economy in Cuba;

(3) to be impartial toward any individual or entity in the selection by the Cuban people of their future government;

(4) to enter into negotiations with a democratically elected government in Cuba regarding the status of the United States Naval Base at Guantanamo Bay;

(5) To consider the restoration of diplomatic relations with Cuba and support the reintegration of the Cuban government into the Inter-American System after a transition government in Cuba comes to power and at such a time as will facilitate the rapid transition to a democratic government;

(6) to remove the economic embargo of Cuba when the President determines that there exists a democratically elected government in Cuba; and

(7) to pursue a mutually beneficial trading relationship with a democratic Cuba.

SEC. 2202. ASSISTANCE FOR THE CUBAN PEOPLE.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The President may provide assistance under this section for the Cuban people after a transition government, or a democratically elected government, is in power in Cuba, subject to subsections 2203 (a) and (c).

(2) EFFECT ON OTHER LAWS.—Subject to section 2203, the President is authorized to provide such forms of assistance to Cuba as are provided for in subsection (b), notwithstanding any other provision of law, except for—

(A) this division;

(B) section 620(a)(2) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2370(a)(2)); and

(C) section 634A of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2394) and comparable notification requirements contained in sections of the annual foreign operations, export financing, and related programs Act.

(b) RESPONSE PLAN.—

(1) DEVELOPMENT OF PLAN.—The President shall develop a plan detailing, to the extent possible, the manner in which the United States would provide and implement support for the Cuban people in response to the formation of—

(A) a transition government in Cuba; and

(B) a democratically elected government in Cuba.

(2) TYPES OF ASSISTANCE.—Support for the Cuban people under the plan described in paragraph (1) shall include the following types of assistance:

(A) TRANSITION GOVERNMENT.—(i) The plan developed under paragraph (1)(A) for assistance to a transition government in Cuba shall be limited to such food, medicine, medical supplies and equipment, and other assistance as may be necessary to meet the basic human needs of the Cuban people.

(ii) When a transition government in Cuba is in power, the President is encouraged to remove or modify restrictions that may exist on—

(I) remittances by individuals to their relatives of cash or humanitarian items, and

(II) on freedom to travel to visit Cuba other than that the provision of such services and costs in connection with such travel shall be internationally competitive.

(iii) Upon transmittal to Congress of a determination under section 2203(a) that a transition government in Cuba is in power, the President should take such other steps as will encourage renewed investment in Cuba to contribute to a stable foundation for a democratically elected government in Cuba.

(B) DEMOCRATICALLY ELECTED GOVERNMENT.—(i) The plan developed under paragraph (1)(B) for assistance for a democratically elected government in Cuba should consist of assistance to promote free market development, private enterprise, and a mutually beneficial trade relationship between the United States and Cuba. Such assistance should include—

(I) financing, guarantees, and other assistance provided by the Export-Import Bank of the United States;

(II) insurance, guarantees, and other assistance provided by the Overseas Private Investment Corporation for investment projects in Cuba;

(III) assistance provided by the Trade and Development Agency;

(IV) international narcotics control assistance provided under chapter 8 of part I of the Foreign Assistance Act of 1961; and

(V) Peace Corps activities.

(c) INTERNATIONAL EFFORTS.—The President is encouraged to take the necessary steps—

(1) to seek to obtain the agreement of other countries and multinational organizations to provide assistance to a transition government in Cuba and to a democratically elected government in Cuba; and

(2) to work with such countries, institutions, and organizations to coordinate all such assistance programs.

(d) REPORT ON TRADE AND INVESTMENT RELATIONS.—

(d) REPORT TO CONGRESS.—The President, following the transmittal to the Congress of a determination under section 2203(c) that a democratically elected government in Cuba is in power, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate and other appropriate committees a report that describes—

(A) acts, policies, and practices which constitute significant barriers to, or distortions of, United States trade in goods or services or foreign direct investment with respect to Cuba;

(B) policy objectives of the United States regarding trade relations with a democratically elected government in Cuba, and the reasons therefor, including possible—

(i) reciprocal extension of nondiscriminatory trade treatment (most-favored-nation treatment);

(ii) designation of Cuba as a beneficiary developing country under title V of the Trade Act of 1974 (relating to the Generalized System of Preferences) or as a beneficiary country under the Caribbean Basin Economic Recovery Act, and the implications of such designation with respect to trade and any other country that is such a beneficiary developing country or beneficiary country or is a party to the North American Free Trade Agreement; and

(iii) negotiations regarding free trade, including the accession of Cuba to the North American Free Trade Agreement;

(C) specific trade negotiating objectives of the United States with respect to Cuba, including the objectives described in section 108(b)(5) of the North American Free Trade Agreement Implementation Act; and

(D) actions proposed or anticipated to be undertaken, and any proposed legislation necessary or appropriate, to achieve any of such policy and negotiating objective.

(2) CONSULTATION.—The President shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate and other appropriate committees and shall seek advice from the appropriate advisory committees established under section 135 of the Trade Act of 1974 regarding the policy and negotiating objectives and the legislative proposals described in paragraph (1).

(e) COMMUNICATION WITH THE CUBAN PEOPLE.—The President is encouraged to take the necessary steps to communicate to the Cuban people the plan developed under this section.

(f) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this title, the President shall transmit to the appropriate congressional committees a report describing in detail the plan developed under this section.

SEC. 2203. IMPLEMENTATION; REPORTS TO CONGRESS.

(a) IMPLEMENTATION WITH RESPECT TO TRANSITION GOVERNMENT.—Upon making a determination, consistent with the requirements and factors in section 2205, that a transition government in Cuba is in power, the President shall transmit that determination to the appropriate congressional committees and should, subject to the authorization of appropriations and the availability of appropriations, commerce to provide assistance pursuant to section 2202(b)(2)(A).

(b) REPORTS TO CONGRESS.—(1) The President shall transmit to the appropriate congressional committees a report setting forth the strategy for providing assistance authorized under section 2202(b)(2)(A) to the transition government in Cuba, the types of such assistance, and the extent to which such assistance has been distributed.

(2) The President shall transmit the report not later than 90 days after making the determination referred to in paragraph (1), except that the President shall consult regularly with the appropriate congressional committees regarding the development of the plan.

(c) IMPLEMENTATION WITH RESPECT TO DEMOCRATICALLY ELECTED GOVERNMENT.—Upon making a determination, consistent with section 2206, that a democratically elected government in Cuba is in power, the President shall transmit that determination to the appropriate congressional committees and should, subject to the authorization of appropriations and the availability of appropriations, commence to provide such forms of assistance as may be included in the plan for assistance pursuant to section 2202(b)(2)(B).

(d) ANNUAL REPORTS TO CONGRESS.—Once the President has transmitted a determination referred to in either subsection (a) or (c), the President shall, not later than 60 days after the end of each fiscal year, transmit to the appropriate congressional committees a report on the assistance to Cuba authorized under section 2202, including a description of each type of assistance, the amounts expended for such assistance, and a description of the assistance to be provided under the plan in th4e current fiscal year.

SEC. 2204. TERMINATION OF THE ECONOMIC EMBARGO OF CUBA.

(a) PRESIDENTIAL ACTIONS.—Upon submitting a determination to the appropriate congressional committees under section 2203(a) that a transition government in Cuba is in power, the President, after consulting with the Congress, is authorized to take steps to suspend the economic embargo on Cuba and to suspend application of the right of action created in section 2302 hereof as to actions thereafter filed against the government of Cuba, to the extent that such action contributes to a stable foundation for a democratically elected government in Cuba.

(b) SUSPENSION OF CERTAIN PROVISIONS OF LAW.—In carrying out subsection (a), the President may suspend the enforcement of—

(1) section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a));

(2) section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)) with regard to the "Republic of Cuba";

(3) sections 1704, 1705(d), and 1706 of the Cuban Democracy Act (22 U.S.C. 6003, 6004(d), 6005);

(4) section 902(c) of the Food Security Act of 1985; and

(5) the prohibitions on transactions described in part 515 of the title 31, Code of Federal Regulations.

(c) ADDITIONAL PRESIDENTIAL ACTIONS.—Upon submitting a determination to the appropriate congressional committees under section 2203(c) that a democratically elected government in Cuba is in power, the President shall take steps to terminate the economic embargo of Cuba.

(d) CONFORMING AMENDMENTS.—On the date on which the President submits a determination under section 2203(c)—

(1) section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)) is repealed;

(2) section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)) is amended by striking "Republic of Cuba";

(3) sections 1704, 1705(d), and 1706 of the Cuban Democracy Act (22 U.S.C. 6003, 6004(d), 6005); and

(4) section 902(c) of the Food Security Act of 1985 is repealed.

(e) REVIEW OF SUSPENSION OF ECONOMIC EMBARGO.—

(1) REVIEW.—If the President takes action under subsection (a) to suspend the economic embargo of Cuba, the President shall immediately so notify the Congress. The President shall report to the Congress no less frequently than every 6 months thereafter, until he submits a determination under section 2203(c) that a democratically elected government in Cuba is in power, on the progress being made by Cuba toward the establishment of such a democratically elected government. The action of the President under subsection (a) shall cease to be effective upon the enactment of a joint resolution described in paragraph (2).

(2) JOINT RESOLUTIONS.—For purposes of this subsection, the term "joint resolution" means only a joint resolution of the 2 Houses of Congress, the matter after the resolving clause of which is as follows: "That the Congress disapproves the action of the President under section 2204(a) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995 to suspend the economic embargo of Cuba, notice of which was submitted to the Congress on _____.", with the blank space being filled with the appropriate date.

(3) REFERRAL TO COMMITTEES.—Joint resolutions introduced in the House of Representatives shall be referred to the Committee on International Relations and joint resolutions introduced in the Senate shall be referred to the Committee on Foreign Relations.

(4) PROCEDURE.—(A) Any joint resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(B) For the purpose of expediting the consideration and enactment of joint resolutions, a motion to proceed to the consideration of any joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

(C) Not more than 1 joint resolution may be considered in the House of Representatives and the Senate in the 6-month period beginning on the date on which the President notifies the Congress under paragraph (1) of the action taken under subsection (a), and in each 6-month period thereafter.

SEC. 2205. REQUIREMENTS FOR A TRANSITION GOVERNMENT.

(a) A determination under section 2203(a) that a transition government in Cuba is in power shall not be made unless that government has taken the following actions—

(1) legalized all political activity;

(2) released all political prisoners and allowed for investigations of Cuban prisons by appropriate international human rights organizations;

(3) dissolved the present Department of State Security in the Cuban Ministry of the Interior, including the Committees for the Defense of the Revolution and the Rapid Response Brigades; and

(4) has committed to organizing free and fair elections for a new government—

(i) to be held in a timely manner within 2 years after the transition government assumes power;

(ii) with the participation of multiple independent political parties that have full access to the media on an equal basis, including (in the case of radio, television, or other telecommunications media) in terms of allotments of time for such access and the times of day such allotments are given; and

(iii) to be conducted under the supervision of internationally recognized observers, such as the Organization of American States, the United Nations, and other election monitors;

(b) In addition to the requirements in subsection (a), in determining whether a transition government is in power in Cuba, the President shall take into account the extent to which that government—

(1) is demonstrably in transition from communist totalitarian dictatorship to representative democracy;

(2) has publicly committed itself to, and is making demonstrable progress in—

(A) establishing an independent judiciary;

(B) respecting internationally recognized human rights and basic freedoms as set forth in the Universal Declaration of Human Rights;

(C) effectively guaranteeing the rights of free speech and freedom of the press, including granting permits to privately owned media and telecommunications companies to operate in Cuba;

(D) permitting the reinstatement of citizenship to Cuban-born nationals returning to Cuba;

(E) assuring the right to private property; and

(F) allowing the establishment of independent trade unions as set forth in conventions 87 and 98 of the International Labor Organization, and allowing the establishment of independent social, economic, and political associations;

(3) has ceased any interference with broadcasts by Radio Marti or the Television Marti Service;

(4) has given adequate assurances that it will allow the speedy and efficient distribution of assistance to the Cuban people; and

(5) permits the deployment throughout Cuba of independent and unfettered international human rights monitors.

SEC. 2206. REQUIREMENTS FOR A DEMOCRATICALLY ELECTED GOVERNMENT.

For purposes of determining under section 2203(c) of this division whether a democratically elected government in Cuba is in power, the President shall take into account whether, and the extent to which, that government—

(1) results from free and fair elections—

(A) conducted under the supervision of internationally recognized observers; and

(B) in which opposition parties were permitted ample time to organize and campaign for such elections, and in which all candidates in the elections were permitted full access to the media;

(2) is showing respect for the basic civil liberties and human rights of the citizens of Cuba;

(3) is substantially moving toward a market-oriented economic system based on the right to own and enjoy property;

(4) is committed to making constitutional changes that would ensure regular free and fair elections and the full enjoyment of basic civil liberties and human rights by the citizens of Cuba; and

(5) is continuing to comply with the requirements of section 2205.

SEC. 2207. SETTLEMENT OF OUTSTANDING U.S. CLAIMS TO CONFISCATED PROPERTY IN CUBA.

(a) SUPPORT FOR A TRANSITION GOVERNMENT.—Notwithstanding any other provision of this division—

(1) no assistance may be provided under the authority of this Act to a transition government in Cuba; and

(2) the Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against any loan or other utilization of the funds of such bank or institution for the benefit of a transition government in Cuba, except for assistance to meet the emergency humanitarian needs of the Cuban people,

unless the President determines and certifies to Congress that such a government has publicly committed itself, and is taking appropriate steps, to establish a procedure under its law or through international arbitration to provide for the return of, or prompt, adequate and effective compensation for, property confiscated by the Government of Cuba on or after January 1, 1959, from any person or entity that is a United States national who is described in section 620(a)(2) of the Foreign Assistance Act of 1961, as amended.

(b) SUPPORT FOR A DEMOCRATICALLY ELECTED GOVERNMENT.—Notwithstanding any other provision of this division—

(1) no assistance may be provided under the authority of this Act to a democratically elected government in Cuba; and

(2) the Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against any loan or other utilization of the funds of such bank or institution for the benefit of a democratically elected government in Cuba,

unless the President determines and certifies to Congress that such a government has adopted and is effectively implementing a procedure under its law or through international arbitration to provide for the return of, or prompt, adequate and effective compensation for, property confiscated by the Government of Cuba on or after January 1, 1959, from any person or entity that is a United States national who is described in section 620(a)(2) of the Foreign Assistance Act of 1961, as amended.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this title, the Secretary of State shall provide a report to the appropriate congressional committees containing an assessment of the property dispute question in Cuba, including—

(1) an estimate of the number and amount of claims to property confiscated by the Cuban government held by United States nationals beyond those certified under section 507 of the International Claims Settlement Act of 1949,

(2) an assessment of the significance of promptly resolving confiscated property claims to the revitalization of the Cuban economy,

(3) a review and evaluation of technical and other assistance that the United States could provide to help either a transition government in Cuba or a democratically elected government in Cuba establish mechanisms to resolve property questions,

(4) an assessment of the role and types of support the United States could provide to help resolve claims to property confiscated by the Cuban government held by United States nationals who did not receive or qualify for certification under section 507 of the International Claims Settlement Act of 1949, and

(5) an assessment of any areas requiring legislative review or action regarding the resolution of property claims in Cuba prior to a change of government in Cuba.

(d) It is the sense of the Congress that the satisfactory resolution of property claims by a Cuban government recognized by the United States remains an essential condition for the full resumption of economic and diplomatic relations between the United States and Cuba.

(e) WAIVER.—The President may waive the prohibitions in subsections (a) and (b) if the President determines and certifies to the Congress that it is in the vital national interest of the United States to provide assistance to contribute to the stable foundation for a democratically elected government in Cuba.

TITLE III—PROTECTION OF PROPERTY RIGHTS OF UNITED STATES NATIONALS AGAINST CONFISCATORY TAKINGS BY THE CASTRO REGIME

SEC. 2301. STATEMENT OF POLICY.

The Congress makes the following findings:

(1) Individuals enjoy a fundamental right to own and enjoy property which is enshrined in the United States Constitution.

(2) The wrongful confiscation or taking of property belonging to United States nationals by the Cuban government, and the subsequent exploitation of this property at the expense of the rightful owner, undermines the comity of nations, the free flow of commerce, and economic development.

(3) Since Fidel Castro seized power in Cuba in 1959—

(A) he has trampled on the fundamental rights of the Cuban people, and

(B) through his personal despotism, he has confiscated the property of—

(i) millions of his own citizens,

(ii) thousands of United States nationals, and

(iii) thousands more Cubans who claimed asylum in the United States as refugees because of persecution and later became naturalized citizens of the United States.

(4) It is in the interest of the Cuban people that the government of Cuba respect equally the property rights of Cuban and foreign nationals.

(5) The Cuban government is offering foreign investors the opportunity to purchase an equity interest in, manage, or enter into joint ventures with property and assets some of which were confiscated from United States nationals.

(6) This "trafficking" in confiscated property provides badly needed financial benefit, including hard currency, oil and productive investment and expertise, to the current government of Cuba and thus undermines the foreign policy of the United States—

(A) to bring democratic institutions to Cuba through the pressure of a general economic embargo at a time when the Castro regime has proven to be vulnerable to international economic pressure, and

(B) to protect the claims of United States nationals who had property wrongfully confiscated by the Cuban government.

(7) The U.S. State Department has notified other governments that the transfer of properties confiscated by the Cuban government to third parties "would complicate any attempt to return them to their original owners."

(8) The international judicial system, as currently structured, lacks fully effective remedies for the wrongful confiscation of property and for unjust enrichment from the use of wrongfully confiscated property by governments and private entities at the expense of the rightful owners of the property.

(9) International law recognizes that a nation has the ability to provide for rules of law with respect to "conduct outside its territory that has or is intended to have substantial effect within its territory."

(10) The United States Government has an obligation to its citizens to provide protection against wrongful confiscations by foreign nations and their citizens, including the provision of private remedies.

(11) To deter trafficking in wrongfully confiscated property, United States nationals who were the victims of these confiscations should be endowed with a judicial remedy in the Courts of the United States that would deny traffickers any profits from economically exploiting Castro's wrongful seizures.

SEC. 2302. LIABILITY FOR TRAFFICKING IN CONFISCATED PROPERTY CLAIMED BY UNITED STATES NATIONALS.

(a) CIVIL REMEDY.—(1) LIABILITY OF TRAFFICKING.—(A) Except as otherwise provided in this section, any person or entity, including any agency or instrumentality of a foreign state in the conduct of a commercial activity, that after the end of the 6-month period beginning on the date of enactment of this provision traffics in property which was confiscated by the Government of Cuba on or after January 1, 1959, shall be liable to the United States national who owns the claim to such property for money damages in an amount equal to the sum of—

(i) the amount which is the greater of—

(I) the amount, if any, certified to the claimant by the Foreign Claims Settlement Commission under the International Claims Settlement Act of 1949, plus interest;

(II) the amount determined under section 2303(a)(2), plus interest; or

(III) the fair market value of that property, calculated as being the then current value of the property, or the value of the property when confiscated plus interest, whichever is greater; and

(ii) reasonable court costs and attorneys' fees.

(B) Interest under subparagraph (A)(i) shall be at the rate set forth in section 1961 of title 28, United States Code, computed by the court from the date of confiscation of the property involved to the date on which the action is brought under this subsection.

(2) PRESUMPTION IN FAVOR OF THE CERTIFIED CLAIMS.—There shall be a presumption that the amount for which a person or entity, including any agency or instrumentality of a foreign state in the conduct of a commercial activity, is liable under clause (I) of paragraph (1)(A) is the amount that is certified under subclause (I) of that clause. The presumption shall be rebuttable by clear and convincing evidence that the amount described in subclause (II) or (III) of that clause is the appropriate amount of liability under that clause.

(3) REQUIREMENT FOR PRIOR NOTICE AND INCREASED LIABILITY FOR SUBSEQUENT ADDITIONAL NOTICE.—(A) Following the conclusion of 180 days from enactment hereof but at least 30 days prior to instituting suit hereunder, notice of intention to institute a suit pursuant to this provision must be served on each intended party or, in the case of ongoing intention to add any party to ongoing litigation hereunder to each such additional party.

(B) Except as provided in this section, any person or entity, including any agency or instrumentality of a foreign state in the conduct of a commercial activity, that traffics in confiscated property after having received—

(i) a subsequent additional notice of a claim to ownership of the property by the United States national who owns the claim to the confiscated property; and

(ii) notice of the provisions of this section, shall be liable to that United States national for money damages in an amount which is the sum of the amount equal to the amount determined under paragraph (1)(A)(ii), plus triple the amount determined applicable under subclause (I), (II), or (III) of paragraph (1)(A)(i).

(4) APPLICABILITY.—(A) Except as otherwise provided in this paragraph, actions may be brought under paragraph (1) with respect to property confiscated before, on, or after the date of enactment of this division.

(B) In the case of property confiscated by the Government of Cuba before the date of enactment of this division, no United States national may bring an action under this section unless such national acquired ownership of the claim to the confiscated property before such date.

(C) In the case of property confiscated on or after the date of the enactment of this division, no United States national who acquired ownership of a claim to confiscated property by assignment for value after such date of enactment may bring an action on the claim under this section.

(5) TREATMENT OF CERTAIN ACTIONS.—(A) In the case of any action brought under this section by a United States national who was eligible to file the underlying claim in the

action with the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949 but did not so file the claim, the court may hear the case only if the court determines that the United States national had good cause for not filing the claim.

(B) In the case of any action brought under this section by a United States national whose claim in the action was timely filed with the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949 but was denied by the Commission, the court may assess the basis for the denial and may accept the findings of the Commission on the claim as conclusive in the action under this section unless good cause justifies another result.

(6) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based upon the act of state doctrine, to make a determination on the merits in an action brought under paragraph (1).

(7) Notwithstanding any other provision of law, an action under this section may be brought and may be settled, and a judgment rendered in such action may be enforced, without the necessity of obtaining any license or other permission from any agency of the United States; provided, that this subsection shall not apply to the execution of a judgment against or the settlement of actions involving property blocked under the authority of the Trading with the Enemy Act, Appendix to title 50, United States Code, sections 1 through 44 as amended.

(8) Notwithstanding any other provision of law, any certified claim against the Government of Cuba shall not be deemed an interest or property the transfer of which requires a license or permission of any agency of the United States.

(b) AMOUNT IN CONTROVERSY.—An action may be brought under this section by a United States national only where the matter in controversy exceeds the sum or value of $50,000, exclusive of costs.

(c) SERVICE OF PROCESS.—(1) Service of process shall be effected against an agency or instrumentality of a foreign state in the conduct of a commercial activity, or against individuals acting under color of law in conformity with 28 U.S.C. section 1608, except as provided by paragraph (3) of this subsection.

(2) Service of process shall be effected against all parties not included under the terms of paragraph (A) in conformity with 28 U.S.C. section 1331.

(3) For all actions brought under section 2302 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995, no judgment by default shall be entered by a court of the United States against the government of Cuba, its political subdivision, or its agencies or instrumentalities, unless a government recognized by the United States in Cuba is given the opportunity to cure and be heard thereon and the claimant establishes his claim or right to relief by evidence satisfactory to the court.

(d) CERTAIN PROPERTY IMMUNE FROM EXECUTION.—Section 1611 of title 28, United States Code, is amended by adding at the end of the following:

"(c) Notwithstanding the provisions of section 1610 of this chapter, the property of a foreign state shall be immune from attachment and from execution in an action brought under section 1605(7) to the extent the property is a facility or installation used by an accredited diplomatic mission for official purposes.".

(e) ELECTION OF REMEDIES.—

(1) ELECTION.—Subject to paragraph (2)—

(A) any United States national that brings an action under this section may not bring any other civil action or proceeding under the common law, Federal law, or the law of any of the other several states, the District of Columbia, or any territory or possession of the United States that seeks monetary or nonmonetary compensation by reason of the same subject matter; and

(B) any person who brings, under the common law or any provision of law other than this section, a civil action or proceeding for monetary or nonmonetary compensation arising out of a claim for which an action would otherwise be cognizable under this section may not bring an action under this section on that claim.

(2) TREATMENT OF CERTIFIED CLAIMANTS.—In the case of any United States national that brings an action under this section based on a claim certified under title V of the International Claims Settlement Act of 1949—

(A) if the recovery in the action is equal to or greater than the amount of the certified claim, the United States national may not receive payment on the claim under any agreement entered into between the United States and Cuba settling claims covered by such title, and such national shall be deemed to have discharged the United States from any further responsibility to represent the United States national with respect to that claim;

(B) if the recovery in the action is less than the amount of the certified claim, the United States national may receive payment under a claims agreement described in subparagraph (A) but only to the extent of the difference between the amount of the recovery and the amount of the certified claim; and

(C) if there is no recovery in the action, the United States national may receive payment on the certified claim under a claims agreement described in subparagraph (A) to the same extent as any certified claimant who does not bring an action under this section.

(f) DEPOSIT OF EXCESS PAYMENTS BY CUBA UNDER CLAIMS AGREEMENT.—Any amounts paid by Cuba under any agreement entered into between the United States and Cuba settling certified claims under title V of the International Claims Settlement Act of 1949 that are in excess of the payments made on such certified claims after the application of subsection (e) shall be deposited into the United States Treasury.

(g) TERMINATION OF RIGHTS.—(1) All rights created under this section to bring an action for money damages with respect to property confiscated by the Government of Cuba before the date of enactment of this division shall cease upon transmittal to the Congress of a determination of the President under section 203(c).

(2) The termination of rights under paragraph (1) shall not affect suits commenced before the date of such termination, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this subsection had not been enacted.

SEC. 2303. PROOF OF OWNERSHIP.

(a) EVIDENCE OF OWNERSHIP.—(1) In any action brought under this title, the courts shall accept as conclusive proof of ownership a certification of a claim to ownership that has been made by the Foreign Claims Settlement Commission pursuant to title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following).

(2) In the case of a claim that has not been certified by the Foreign Claims Settlement Commission before the enactment of this division, a court may appoint a Special Master, including the Foreign Claims Settlement Commission, to make determinations regarding the amount of ownership of claims to ownership of confiscated property by the Government of Cuba. Such determinations are only for evidentiary purposes in civil actions brought under this title and do not constitute certifications pursuant to title V of the International Claims Settlement Act of 1949.

(3) In determining ownership, courts shall not accept as conclusive evidence of ownership any findings, orders, judgments, or decrees from administrative agencies or courts of foreign countries or international organizations that invalidate the claim held by a United States national, unless the invalidation was found pursuant to binding international arbitration to which United States submitted the claim.

(b) AMENDMENT OF THE INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949.—Title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following) is amended by adding at the end of the following new section:

"DETERMINATION OF OWNERSHIP CLAIMS REFERRED BY DISTRICT COURTS OF THE UNITED STATES

"SEC. 514. Notwithstanding any other provision of this title and only for purposes of section 2302 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995, a United States district court, for fact-finding purposes, may refer to the Commission, and the Commission may determine, questions of the amount and ownership of a claim by a United States nationals (as defined in section 2004 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995, resulting from the confiscations of property by the Government of Cuba described in section 503(a), whether or not the United States national qualified as a national of the United States (as defined in section 502(1)) at the time of action by the Government of Cuba".

(c) RULE OF CONSTRUCTION.—Nothing in this division or in section 514 of the International Claims Settlement Act of 1949, as added by subsection (b), shall be construed—

(1) to require or otherwise authorize the claims of Cuban nationals who became United States citizens after their property was confiscated to be included in the claims certified to the Secretary of State by the Foreign Claims Settlement Commission for purposes of future negotiation and espousal of claims with a friendly government in Cuba when diplomatic relations are restored; or

(2) as superseding, amending, or otherwise altering certifications that have been made pursuant to title V of the International claims Settlement Act of 1949 before the enactment of this division.

SEC. 2304. EXCLUSIVITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION CERTIFICATION PROCEDURE.

AMENDMENT OF THE INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949.—Title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following), as amended by section 2303, is further amended by adding at the end the following new section:

"EXCLUSIVITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION CERTIFICATION PROCEDURE

"SEC. 515. (a) Subject to subsection (b) neither any national of the United States who was eligible to file a claim under Section 503 but did not timely file such claim under that section, nor any national of the United States (on the date of the enactment of this

section) who was not eligible to file a claim under that section, nor any national of Cuba, including any agency, instrumentality, subdivision, or enterprise of the Government of Cuba or any local government of Cuba in place on the date of the enactment of this section, nor any successor thereto, whether or not recognized by otherwise have an interest in, the compensation proceeds or nonmonetary compensation paid or allocated to a national of the United States by virtue of a claim certified by the Commission pursuant to section 507, nor shall any district court of the United States have jurisdiction to adjudicate any such claim.

"(b) Nothing in subsection (a) shall be construed to detract from or otherwise affect any rights in the shares of capital stock of nationals of the United States owning claims certified by the Commission under section 507.".

BROWN AMENDMENT NO. 1937

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following new title:

TITLE ___NATO PARTICIPATION ACT AMENDMENTS OF 1995

SEC. ___01. SHORT TITLE.

This title may be cited as the "NATO Participation Act Amendments of 1995".

SEC. ___02. FINDINGS.

The Congress makes the following findings:

(1) Since 1949, the North Atlantic Treaty Organization (NATO) has played an essential role in guaranteeing the security, freedom, and prosperity of the United States and its partners in the Alliance.

(2) NATO has expanded its membership on three different occasions since 1949.

(3) The sustained commitment of the member countries of NATO to mutual defense of their security ultimately made possible the democratic transformation in Central and Eastern Europe and the demise of the Soviet Union.

(4) NATO was designed to be and remains a defensive military organization whose members have never contemplated the use of, or used, military force to expand the borders of its member states.

(5) While the immediate threat to the security of the United States and its allies has been reduced with the collapse of the Iron Curtain, new security threats, such as the situation in Bosnia and Herzegovina, are emerging to the shared interests of the member countries of NATO.

(6) NATO remains the only multilateral security organization capable of conducting effective military operations to protect Western security interests.

(7) NATO has played a positive role in defusing tensions between NATO members and, as a result, no military action has occurred between two NATO member states since the inception of NATO in 1949.

(8) NATO is also an important diplomatic forum for the discussion of issues of concern to its member states and for the peaceful resolution of disputes.

(9) America's security, freedom, and prosperity remain linked to the security of the countries of Europe.

(10) Any threat to the security of the newly emerging democracies in Central Europe would pose a security threat to the United States and its European allies.

(11) The admission to NATO of Central and East European countries that have been freed from Communist domination and that meet specific criteria for NATO membership would contribute to international peace and enhance the security of the region.

(12) A number of countries have expressed varying degrees of interest in NATO membership, and have taken concrete steps to demonstrate this commitment.

(13) Full integration of Central and East European countries into the North Atlantic Alliance after such countries meet essential criteria for admission would enhance the security of the Alliance and, thereby, contribute to the security of the United States.

(14) The expansion of NATO can create the stable environment needed to successfully complete the political and economic transformation envisioned by Eastern and Central European countries.

(15) In recognition that not all countries which have requested membership in NATO will necessarily qualify at the same pace, the date for membership of each country will vary.

(16) The provision of NATO transition assistance should include those countries most ready for closer ties with NATO, such as Poland, Hungary, the Czech Republic and Slovakia and should be designed to assist other countries meeting specified criteria of eligibility to move toward eventual NATO membership, including Lithuania, Latvia, Estonia, Ukraine, Romania, Bulgaria, and Slovenia.

(17) Lithuania, Latvia, and Estonia have made significant progress in preparing for NATO membership and should be given every consideration for inclusion in programs for NATO transition assistance.

SEC. ___03. UNITED STATES POLICY.

It should be the policy of the United States—

(1) to join with the NATO allies of the United States to redefine the role of the NATO Alliance in the post-Cold War world;

(2) to actively assist European countries emerging from communist domination in their transition so that such countries may eventually qualify for NATO membership;

(3) to use the voice and vote of the United States to urge observer status in the North Atlantic Council for countries designated under section 203(d) of the NATO Participation Act of 1994 (as amended by this title) as eligible for NATO transition assistance; and

(4) to work to define the political and security relationship between an enlarged NATO and the Russian Federation.

SEC. ___04. REVISIONS TO PROGRAM TO FACILITATE TRANSITION TO NATO MEMBERSHIP.

(a) ESTABLISHMENT OF PROGRAM.—Subsection (a) of section 203 of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note) is amended to read as follows:

"(a) ESTABLISHMENT OF PROGRAM.—The President shall establish a program to assist countries designated under subsection (d) in the transition to full NATO membership.".

(b) ELIGIBLE COUNTRIES.—

(1) ELIGIBILITY.—Subsection (d) of section 203 of such Act is amended to read as follows:

"(d) DESIGNATION OF ELIGIBLE COUNTRIES.—

"(1) SPECIFIC COUNTRIES.—The following countries are hereby designated for purposes of this title: Poland, Hungary, the Czech Republic, and Slovakia.

"(2) OTHER EUROPEAN COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—In addition to the countries designated in paragraph (1), the President may designate other European countries emerging from Communist domination to receive assistance under the program established under subsection (a). The President may make such a designation in the case of any such country only if the President determines, and reports to the designated congressional committees, that such country—

"(A) has made significant progress toward establishing—

"(i) shared values and interests;

"(ii) democratic governments;

"(iii) free market economies;

"(iv) civilian control of the military, of the police, and of intelligence services;

"(v) adherence to the values, principles, and political commitments embodied in the Helsinki Final Act of the Organization on Security and Cooperation in Europe; and

"(vi) more transparent defense budgets and is participating in the Partnership For Peace defense planning process;

"(B) has made public commitments—

"(i) to further the principles of NATO and to contribute to the security of the North Atlantic area;

"(ii) to accept the obligations, responsibilities, and costs of NATO membership; and

"(iii) to implement infrastructure development activities that will facilitate participation in and support for NATO military activities;

"(C) meets standards of the NATO allies to prevent the sale or other transfer of defense articles to a state that has repeatedly provided support for acts of international terrorism, as determined by the Secretary of State under section 6(j)(1)(A) of the Export Administration Act of 1979; and

"(D) is likely, within five years of such determination, to be in a position to further the principles of the North Atlantic Treaty and to contribute to its own security and that of the North Atlantic area.".

(2) CONFORMING AMENDMENTS.—

(A) Subsections (b) and (c) of section 203 of such Act are amended by striking "countries described in such subsection" each of the two places it appears and inserting "countries designated under subsection (d)".

(B) Subsection (e) of section 203 of such Act is amended—

(i) by striking "subsection (d)" and inserting "subsection (d)(2)"; and

(ii) by inserting "(22 U.S.C. 2394)" before the period at the end.

(C) Section 204(c) of such Act is amended by striking "any other Partnership for Peace country designated under section 203(d)" and inserting "any country designated under section 203(d)(2)".

(c) TYPES OF ASSISTANCE.—Section 203(c) of such Act is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively; and

(2) by inserting after subparagraph (D) (as redesignated) the following new subparagraphs:

"(E) Assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund).

"(F) Funds appropriated under the 'Nonproliferation and Disarmament Fund' account".

"(G) Funds appropriated under chapter 6 of part II of the Foreign Assistance Act of 1961 (relating to peacekeeping operations and other programs).".

(3) by inserting "(1)" immediately after "TYPE OF ASSISTANCE.—"; and

(4) by adding at the end the following new paragraphs:

"(2) For fiscal years 1996 and 1997, in providing assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 for the countries designated under subsection (d), the President shall include as an important component of such assistance the provision of sufficient language training to enable military personnel to participate further in programs for military training and in defense exchange programs.

"(3) Of the amounts made available under chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training), not less than $5,000,000 for fiscal year 1996 and not less than $5,000,000 for fiscal year 1997 shall be available only for—

"(A) the attendance of additional military personnel of Poland, Hungary, the Czech Republic, and Slovakia at professional military education institutions in the United States in accordance with section 544 of such Act; and

"(B) the placement and support of United States instructors and experts at military educational centers within the foreign countries designated under subsection (d) that are receiving assistance under that chapter.".

SEC. ___05. PARTICIPATION IN THE NORTH ATLANTIC COUNCIL.

The NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note) is amended—

(1) by redesignating section 205 as section 206; and

(2) by inserting after section 204 the following:

"SEC. 205. PARTICIPATION IN THE NORTH ATLANTIC COUNCIL.

"The President should, at all bilateral and international fora, use of the voice and vote of the United States to urge observer status in the North Atlantic Council for countries designated under section 203(d) commensurate with their progress toward attaining NATO membership.".

SEC. ___06. TERMINATION OF ELIGIBILITY.

Section 203(f) of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note) is amended to read as follows:

"(f) TERMINATION OF ELIGIBILITY.—(1) The eligibility of a country designated under subsection (d) for the program established in subsection (a) shall terminate 60 days after the President makes a certification under paragraph (2) unless, within the 60-day period, the Congress enacts a joint resolution disapproving the termination of eligibility.

"(2) Whenever the President determines that the government of a country designated under subsection (d)—

"(A) no longer meets the criteria set forth in subsection (d)(2)(A);

"(B) is hostile to the NATO alliance; or

"(C) poses a national security threat to the United States,

then the President shall so certify to the appropriate congressional committees.".

(b) CONGRESSIONAL PRIORITY PROCEDURES.—Section 203 of such Act is amended by adding at the end the following new subsection:

"(g) CONGRESSIONAL PRIORITY PROCEDURES.—

"(1) APPLICABLE PROCEDURES.—A joint resolution described in paragraph (2) which is introduced in a House of Congress after the date on which a certification made under subsection (f)(2) is received by Congress shall be considered in accordance with the procedures set forth in paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473 (98 Stat. 1936)), except that—

"(A) references to the 'resolution described in paragraph (1)' shall be deemed to be references to the joint resolution; and

"(B) references to the Committee on Appropriations of the House of Representatives and to the Committee on Appropriations of the Senate shall be deemed to be references to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

"(2) TEXT OF JOINT RESOLUTION.—A joint resolution under this paragraph is a joint resolution the matter after the resolving clause of which is as follows: 'That the Congress disapproves the certification submitted by the President on _____ pursuant to section 203(f) of the NATO Participation Act of 1994.'.".

SEC. ___07. REPORTS.

(a) ANNUAL REPORT.—Section 206 of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note), as redesignated by section ___05(1) of this title, is amended—

(1) by inserting "annual" in the section heading before the first word;

(2) by inserting "annual" after "include in the" in the matter preceding paragraph (1);

(3) in paragraph (1), by striking "Partnership for Peace" and inserting "European"; and

(4) by striking paragraph (2) and inserting instead the following new paragraph:

"(2) In the event that the President determines that, despite a period of transition assistance, a country designated under section 203(d) has not, as of January 10, 1999, met the standards for NATO membership set forth in Article 10 of the North Atlantic Treaty, the President shall transmit a report to the designated congressional committees containing an assessment of the progress made by that country in meeting those standards.".

SEC. ___08. DEFINITIONS.

The NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note), as amended by this title, is further amended by adding at the end the following new section:

"SEC. 207. DEFINITIONS.

"For purposes of this title:

"(1) NATO.—The term 'NATO' means the North Atlantic Treaty Organization.

"(2) DESIGNATED CONGRESSIONAL COMMITTEES.—The term 'designated congressional committees' means—

"(A) the Committee on International Relations, the Committee on National Security, and the Committee on Appropriations of the House of Representatives; and

"(B) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

"(3) EUROPEAN COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—The term 'European countries emerging from Communist domination' includes, but is not limited to, Albania, Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia, and Ukraine.".

BROWN AMENDMENT NO. 1938

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section—

"SEC. . NONAPPLICABILITY OF CARGO PREFERENCE REQUIREMENTS.

Sections 901(b) and 901b of the Merchant Marine Act of 1936 shall not apply to the transportation of agricultural commodities as part of any United States Government-administered program of food assistance to foreign countries."

BROWN AMENDMENT NO. 1939

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section—

"SEC. . REDUCTION OF UNITED NATIONS ASSESSMENTS TO THE UNITED STATES FOR PEACEKEEPING OPERATIONS.

(a) ANNUAL REPORT.—The President shall, at the time of submission of the budget to Congress for any fiscal year, submit to the appropriate committees of Congress a report on the total amount of funds appropriated for national defense purposes for any fiscal year after fiscal year 1995 that were expended during the preceding fiscal year to support or participate in, directly or indirectly, United Nations peacekeeping activities. Such report shall include a breakdown by United Nations peacekeeping operation of the amount of funds expended to support or participate in each such operation.

(b) LIMITATION.—In each fiscal year beginning with fiscal year 1996, funds may be obligated or expended for payment to the United Nations of the United States assessed share of peacekeeping operations for that fiscal year only to the extent that such assessed share exceeds the total amount identified in the report submitted pursuant to subsection (a) for the preceding fiscal year, reduced by the amount of any reimbursement or credit to the United States by the United Nations for the costs of United States support for, or participation in, United Nations peacekeeping activities for that fiscal year.

(c) DEFINITIONS.—As used in this section:

(1) The term "United Nations peacekeeping activities" means any international peacekeeping, peacemaking, peace-enforcing, or similar activity that is authorized by the United Nations Security Council under chapter VI or VII of the United Nations Charter.

(2) The term "appropriate committees of Congress" means—

(A) the Committee on National Security, the Committee on Appropriations, and the committee on International Relations of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate."

BROWN AMENDMENT NO. 1940

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . CONTINUATION OF FREE TRADE TREATMENT FOR GAZA/JERICHO.

(a) FINDINGS.—

(1) The Congress approved a free trade agreement with Israel on April 29, 1985;

(2) When approved in 1985, eligibility under the free trade agreement extended to the occupied territories of the West Bank and Gaza;

(3) The Declaration of Principles, signed by Israel and the Palestinian Authority in 1993, is a significant step forward in bringing peace to the region;

(4) Sending an unambiguous signal of United States support for peace in the Middle East is a top U.S. priority;

(5) Removing free trade treatment for goods manufactured in Gaza and Jericho after the signing of the Declaration of Principles economically penalizes the Palestinian Authority for entering into a peace agreement with Israel; and

(6) Goods manufactured in Gaza and Jericho after the signing of the Declaration of Principles should not be subjected to less favorable treatment than those manufactured in Gaza and Jericho before the signing.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the United States should grant duty free access to the United States market for products of the territories that were under the administration of Israel (West Bank and Gaza) on April 29, 1985."

BROWN AMENDMENT NO. 1941

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . ESTABLISHMENT OF A FREE TRADE AREA FOR TABA, ELAT AND AQABA.

(a) FINDINGS.—The Congress finds that:

(1) The development of trading relationships that permit the free flow of goods and services between Israel and countries with which Israel is now at peace is essential to a lasting peace in the Middle East;

(2) The President's recent decision to establish a free trade area that includes the Egyptian city of Taba, the Israeli city of Elat and the Jordanian city of Aqaba will provide an important beginning for regional cooperation and the integration of regional commerce; and

(3) The development of successful trading relationships between the countries who have agreed to a warm peace with Israel and the United States is a top priority of the United States.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the President should extend duty free treatment to products of Taba, Egypt and Aqaba, Jordan if the President certifies to the appropriate committees of the Congress that—

(1) such extension will significantly benefit the development of regional economic development and integration in the Middle East;

(2) such extension will include only goods which have experienced significant manufacturing change in Taba or Aqaba;

(3) effective procedures exist to ensure that Taba and Aqaba are not merely transhipment points for goods manufactured outside of these two cities; and

(4) all three countries are developing laws and procedures to encourage the free flow of goods and people between and cities of Taba, Elat and Aqaba."

BROWN AMENDMENT NO. 1942

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

In the appropriate place, insert a new section as follows:

SEC. . SENSE OF THE CONGRESS.

(a) FINDINGS.—The Congress finds that—

(1) The purpose of the General Agreement on Tariffs and Trade (hereafter in this amendment referred to as the "GATT") and the World Trade Organization (hereafter in this amendment referred to as the "WTO") is to enable member countries to conduct trade based upon free market principles, by limiting government intervention in the form of state subsidies, by limiting nontariff barriers, and by encouraging reciprocal reductions in tariffs among members;

(2) The GATT/WTO is based on the assumption that the import and export of goods are conducted by independent enterprises responding to profit incentives and market forces;

(3) The GATT/WTO requires that nonmarket economies implement significant reforms to change centralized and planned economic systems before becoming a full GATT/WTO member and the existence of a decentralized and a free market economy is considered a precondition to fair trade among GATT/WTO members;

(4) The People's Republic of China (hereinafter referred to as "China") and the Republic of China on Taiwan (hereinafter referred to as "Taiwan") applied for membership in the GATT in 1986 and 1991, respectively, and Working Parties have been established by the GATT to review their applications;

(5) China insists that Taiwan's membership in the GATT/WTO be granted only after China becomes a full member of the GATT/WTO;

(6) Taiwan has a free market economy that has existed for over three decades, and is currently the fourteenth largest trading nation in the world;

(7) Taiwan has a gross national product that is the world's twentieth largest, its foreign exchange reserves are among the largest in the world and it has become that world's seventh largest outbound investor;

(8) Taiwan has made substantive progress in agreeing to reduce upon GATT/WTO accession the tariff level of many products, and non-tariff barriers;

(9) Taiwan has also made significant progress in other aspects of international trade, such as in intellectual property protection and opening its financial services market;

(10) Despite some progress in reforming its economic system, China still retains legal and institutional practices that restrict free market competition and are incompatible with GATT/WTO principles;

(11) China still uses an intricate system of tariff and non-tariff administrative controls to implement its industrial and trade policies, and China's tariffs on foreign goods, such as automobiles, can be as high as 150 percent, even though China has made commitments in the market access Memorandum of Understanding to reform significant parts of its import regime;

(12) China continues to use direct and indirect subsidies to promote exports;

(13) China often manipulates its exchange rate to impede balance of payments adjustments and gain unfair competitive advantages in trade;

(14) Taiwan's and China's accession to the GATT/WTO have important implications for the United States and the world trading system.

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

(1) the United States should separate Taiwan's application for membership in the GATT/WTO from China's application for membership in those organizations;

(2) the United States should support Taiwan's earliest membership in the GATT/WTO;

(3) the United States should support the membership of China in the GATT/WTO only if a sound bilateral commercial agreement is reached between the United States and China, and that China makes significant progress in making its economic system compatible with GATT/WTO principles;

(4) China's application for membership in the GATT/WTO should be reviewed strictly in accordance with the rules, guidelines, principles, precedents, and practices of the GATT.

BROWN AMENDMENT NO. 1943

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . REPUBLIC OF CHINA (TAIWAN)'S PARTICIPATION IN THE UNITED NATIONS.

(a) FINDINGS.—The Congress finds that—

(1) The Republic of China was the first signatory to the Charter of the United Nations in 1945 and remained an active member of that world body until 1971;

(2) China was divided in 1949, and the Republic of China (hereinafter cited as "Taiwan") and the People's Republic of China (hereinafter cited as "Mainland China") have exercised exclusive jurisdiction over their respective areas since then;

(3) Taiwan has the 19th largest gross national product in the world, a strong and vibrant economy, and one of the largest foreign exchange reserves of any nation;

(4) Taiwan has dramatically improved its record on human rights and routinely holds free and fair elections in a multiparty system, as evidenced most recently by the December 3, 1994, balloting for local and provincial officials;

(5) The 21 million people in Taiwan have not been represented in the United Nations since 1971 and their human rights as citizens of the world have therefore been severely abridged;

(6) Taiwan has in recent years repeatedly expressed its strong desire to participate in the United Nations;

(7) Taiwan has much to contribute to the work and funding of the United Nations;

(8) Taiwan has demonstrated its commitment to the world community by responding to the international disasters and crises such as environmental destruction in the Persian Gulf and famine in Rwanda by providing financial donations, medical assistance, and other forms of aid;

(9) The world community has reacted positively to Taiwan's desire for international participation, as shown by Taiwan's continued membership in the Asian Development Bank, the admission of Taiwan into the Asia-Pacific Economic Cooperation group as a full member, and the accession of Taiwan as the first step toward becoming a contracting party to that organization;

(10) The United States has supported Taiwan's participation in these bodies and indicated, in its policy review of September 1994, a stronger and more active policy of support for Taiwan's participation in other international organizations;

(11) Taiwan has repeatedly stated that its participation in international organizations is one of parallel representation without

prejudice to the current status of mainland China in the international community and does not represent a challenge to that status;

(12) The United Nations and other international organizations have established precedents concerning parallel representation, such as the cases of South Korea and North Korea and the two former Germanies;

(13) The decision of the United States to establish diplomatic relations with Mainland China, as expressed in the Taiwan Relations Act (Public Law 96-8), is based "upon the expectation that the future of Taiwan will be determined by peaceful means"; and

(14) Taiwan's participation in international organizations would not prevent or imperil the eventual resolution of disputes between Taiwan and Mainland China any more than participation in international organizations by the former West Germany and the former East Germany prevented the eventual settlement of German's national status by peaceful and democratic means.

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

(1) Taiwan deserves full participation, including a seat, in the United Nations and its related agencies; and

(2) the Government of the United States should immediately encourage the United Nations to take action by considering the unique situation of Taiwan in the international community and adopting a comprehensive solution to accommodate Taiwan in the United Nations and its related agencies."

BROWN AMENDMENT NO. 1944

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . COUNTRIES IN TRANSITION TO A FREE MARKET ECONOMY.

(a) FINDINGS.—

(i) Many of the nations of Central and Eastern Europe in transition from centrally planned economies to free market economies have made important progress in reforming their economic systems in a short time period;

(ii) As these countries continue to transition, long-term economic growth for the region rests upon the successful integration of these emerging free markets into western markets and other world trading structures;

(iii) Trade has been the key to rapid integration of the markets of countries in transition to democracy;

(iv) The success of U.S. efforts to expand the ability of these nations in transition to trade with the West has not rested solely upon traditional foreign assistance programs, but has been greatly enhanced by the extension of the generalized system of preferences for these countries;

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

(i) United States' efforts to assist countries of Central and Eastern Europe in transition from centrally planned economies to free market economies should focus first on efforts to effectively integrate them into the world trading system;

(ii) The United States extension of trade benefits under the generalized system of preferences has been of crucial importance to the rapid economic transformation of countries of Central and Eastern Europe in transition from centrally planned economies to free market economies; and

(iii) The United States should continue to accord treatment under the generalized system of preferences (GSP) for all countries of Central and Eastern Europe in transition to a free market economy, including but not limited to Poland, Hungary, the Czech Republic, Slovakia, the Baltic countries, Romania and Bulgaria.

BROWN AMENDMENT NO. 1945

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 174, after line 21, add the following:

SEC. 1112. STUDY ON THE PRIVATIZATION OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION (OPIC).

(a) STUDY AND REPORT.—The Overseas Private Investment Corporation (OPIC) shall conduct a study on the feasibility of privatizing the activities of the Corporation and, not later than 180 days after the date of the enactment of this Act, submit to the Congress a report on the study.

(b) CONTENTS OF REPORT.—The report submitted under subsection (a) shall address the following consequences of privatizing the Overseas Private Investment Corporation:

(1) The projected scope and size of overseas market projects and activities for United States companies over the next twenty years.

(2) An assessment of the capital required of United States companies in overseas markets and the potential sources of capital that would be willing to take a long-term, high-risk investment.

(3) A determination of the need for the backing of United States Government guarantees to support and foster private sector competitiveness in various overseas markets.

(4) A description of any alternative ways to provide the services needed to encourage investment from the private sector in developing market economies.

(5) A discussion of whether private insurance companies would be interested in entering the market and what they would charge.

(6) A discussion of whether developing countries would be willing to make individual agreements with private insurance agencies to take the place of the bilateral agreements they currently have with the Overseas Private Investment Corporation and whether this would cause competition in insurance rates.

BROWN AMENDMENT NO. 1946

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . SENSE OF THE SENATE CONCERNING BOOK DONATIONS.

It is the Sense of the Senate that the United States should continue to provide logistic and warehouse support for non-governmental, non-profit organizations undertaking donated book programs abroad and that priority should be given to those organization utilizing on-line information technologies to complement the traditional hard cover donation program."

BROWN AMENDMENT NO. 1947

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 94, line 6 following the words "55 percent" add: ", excluding the National Endowment's administrative overhead costs,".

BROWN AMENDMENT NO. 1948

(Order to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be propose by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . INTERNATIONAL FUND FOR IRELAND.

Of the funds authorized to be appropriated for Economic Support Funds, there are authorized to be appropriated $15,000,000 only for the International Fund for Ireland."

BROWN AMENDMENT NO. 1949

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . AUTHORIZATION FOR AN INDUSTRIAL PARK ON THE BORDER BETWEEN THE TERRITORIES AND ISRAEL.

(a) FINDINGS.—The Congress finds that:

(1) Extremists in Hamas and Islamic Jihad who reject the gains made since the signing of the Declaration of Principles have used terrorist tactics to force the closing of the territories;

(2) These terrorist acts have exacerbated existing problems and Gaza is now experiencing staggering unemployment nearing 50%, increasing chaos and a downward spiral of dashed hopes and deepening poverty;

(3) Israel's legitimate security concerns necessitate creative new methods of ensuring continued economic opportunity for the Palestinians; and

(4) The development of industrial parks along the border between Gaza, the West Bank and Israel sponsored by individual nations provides an important means of providing both development for Palestinians while maintaining border security.

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

(1) The United States should take prompt, visible action before the coming elections in Gaza and Jericho that promises hope and jobs to Palestinians;

(2) The rapid development of an industrial park, closely coordinated with private sector investors, will provide a clear sign of opportunity resulting from peace with Israel;

(3) The decision to site the industrial park should give special consideration to the extremely difficult economic conditions in Gaza;

(4) The President should appoint a Special Coordinator to coordinate the rapid development of an industrial park in Gaza and to begin with the recruitment of U.S. investors; and

(5) The Secretary of State should direct a short-term review and implementation of U.S. assistance plans to assist in speeding the flow of goods and services between Israel and Gaza while increasing security between the two areas.

(c) AUTHORIZATION.—There are authorized to be appropriated $10,000,000 for the rapid development of a prototype industrial park in Gaza and/or the West Bank, notwithstanding section 545 of the fiscal year 1995 Foreign Operations, Export Financing and Related Programs and fiscal year 1994 Supplemental Appropriations Act (P.L. 103-306) or similar provisions."

BROWN AMENDMENT NO. 1950

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

SEC. . CLARIFICATION OF RESTRICTIONS.

Subsection (e) of section 620E of the Foreign Assistance Act of 1961 (P.L. 87-195) is amended:

(1) by striking the words "No assistance" and inserting the words "No military assistance";

(2) by striking the words "in which assistance is to be furnished or military equipment or technology" and inserting the words "in which military assistance to be furnished or military equipment or technology"; and

(3) by striking the words "the proposed United States assistance" and inserting the words "the proposed United States military assistance".

(4) by adding the following new paragraph:

"(2) The prohibitions in this section do not apply to any assistance or transfer provided for the purposes of:

"(A) International narcotics control (including chapter 8 of part I of this Act) or any provision of law available for providing assistance for counternarcotics purposes;

"(B) Facilitating military-to-military contact, training (including chapter 5 of part II of this Act) and humanitarian and civic assistance projects;

"(C) Peacekeeping and other multilateral operations (including chapter 6 of part II of this Act relating to peacekeeping) or any provision of law available for providing assistance for peacekeeping purposes, except that lethal military equipment shall be provided on a lease or loan basis only and shall be returned upon completion of the operation for which it was provided;

"(D) Antiterrorism assistance (including chapter 8 of part II of this Act relating to antiterrorism assistance) or any provision of law available for antiterrorism assistance purposes."

(5) by adding the following new subsections at the end:

"(f) STORAGE COSTS.—The President may release to the Government of Pakistan of its contractual obligation to pay the United States Government for the storage costs of items purchased prior to October 1, 1990, but not delivered by the United States Government pursuant to subsection (e) and may reimburse the Government of Pakistan for any such amounts paid, on such terms and conditions as the President may prescribe, provided that such payments have no budgetary impact.

"(g) RETURN OF MILITARY EQUIPMENT.—The President may return to the Government of Pakistan military equipment paid for and delivered to Pakistan and subsequently transferred for repair or upgrade to the United States but not returned to Pakistan pursuant to subsection (e). Such equipment or its equivalent may be returned to the Government of Pakistan provided that the President determines and so certifies to the appropriate congressional committees that such equipment or equivalent neither constitutes nor has received any significant qualitative upgrade since being transferred to the United States."

BROWN AMENDMENT NO. 1951

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . SANCTIONS AGAINST TERRORIST COUNTRIES.

(a) PROHIBITION.—In conjunction with a determination by the Secretary of State that a nation is a state sponsor of international terrorism pursuant to 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) or 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), the Secretary of State, in consultation with the Secretary of Commerce, shall issue regulations prohibiting the following—

(1) The importation into the United States, or the financing of such importation, of any goods or services originating in a terrorist country, other than publications or materials imported for news publications or news broadcast dissemination;

(2) Except to the extent provided in section 203(b) of IEEPA (50 U.S.C. 1702 (b)), the exportation from the United States to a terrorist country, the government of a terrorist country, or to any entity controlled by the government of a terrorist country, or the financing of such exportation, of any goods, technology (including technical data or other information subject to the Export Administration Act Regulations, 15 CFR Parts 768-799 (1994)) or services;

(3) The reexportation to such terrorist country, its government, or to any entity owned or controlled by the government of the terrorist country, or any goods or technology (including technical data or other information) exported from the United States, the exportation of which is subject to export license application requirements under any U.S. regulations in effect immediately prior to the enactment of this Act, unless, for goods, they have been (i) substantially transformed outside the U.S., or (ii) incorporated into another product outside the United States and constitute less than 10 percent by value of that product exported from a third country;

(4) except to the extent provided in section 203(b) of IEEPA (50 U.S.C. 1702(b), any transaction, including purchase, sale, transportation, swap, financing, or brokering transactions, or United States person relating to goods or services originating from a terrorist country or owned or controlled by the government of a terrorist country;

(5) Any new investment by a United States person in a terrorist country or in property (including entities) owned or controlled by the government of a terrorist country;

(6) The approval or facilitation by a United States person or entry into or performance by an entity owned or controlled by a United States person of a transaction or contract:

(A) prohibited as to United States persons by subsection (3), (4) or (5) or

(B) relating to the financing of activities prohibited as to United States persons by those subsections, or of a guaranty of another person's performance of such transaction or contract; and

(7) Any transaction by any United States person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempting to violate, any of the prohibitions set forth in this section.

(b) DEFINITIONS.—For the purposes of this section:

(1) the term "person" means an individual or entity;

(2) the term "entity" means a partnership, association, trust, joint venture, corporation, or other organization;

(3) the term "United States person" means any U.S. citizen, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States;

(4) the term "terrorist country" means a country the government of which the Secretary of State has determined is a terrorist government for the purposes of 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), or 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) and includes the territory of the country and any other territory or marine area, including the exclusive economic zone and continental shelf, over which the government of the terrorist country claims sovereignty, sovereign rights, or jurisdiction, provided that the government of the terrorist country exercises partial or total de facto control over the area or derives a benefit from the economic activity in the area pursuant to international arrangements; and

(5) the term "new investment" means—

(A) a commitment or contribution of funds or other assets, or

(B) a loan or other extension of credit.

(6) the term "appropriate committees of Congress" means—

(A) the Banking and Financial Services Committee, the Ways and Means Committee and the International Relations Committee of the House of Representatives;

(B) the Banking, Housing and Urban Affairs Committee, the Finance Committee and the Foreign Relations Committee of the Senate.

(c) EXPORT/RE-EXPORT.—The Secretary of the Treasury may not authorize the exportation or reexportation to a terrorist country, the government of a terrorist country, or an entity owned or controlled by the government of a terrorist country of any goods, technology, or services subject to export license application requirements of another agency of the United States government, if authorization of the exportation or reexportation by that agency would be prohibited by law.

(d) RIGHTS AND BENEFITS.—Nothing contained in this section shall create any right or benefit, substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

(e) WAIVER.—The President may waive the prohibitions described in subsection (a) of this section for a country for successive 180 day periods if—

(1) the President determines that national security interests or humanitarian reasons justify a waiver; and

(2) at least 15 days before the waiver takes effect, the President consults with appropriate committees of Congress regarding the proposed waiver and submits a report to the Speaker of the House of Representatives and the President Pro Tempore of the Senate containing—

(A) the name of the recipient country;

(B) a description of the national security interests or humanitarian reasons which require a waiver;

(C) the period of time during which such waiver will be effective.

The waiver authority granted in this subsection may not be used to provide any assistance which is also prohibited by section 40 of the Arms Control Export Control Act."

BROWN AMENDMENT NO. 1952

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . U.S. COMMERCIAL DISPUTES.

(a) FINDINGS.—

(i) The United States and Saudi Arabia have extensive commercial relations which have proven to be important and beneficial to both parties;

(ii) In the past twenty years, increasing commercial ties have highlighted the differences between the legal systems of our two countries and have dramatically increased the necessity of expeditious, effective resolution of commercial disputes between our two nations;

(iii) Saudi Arabia's decision to join the New York Convention on Arbitral Awards is a significant contribution to the resolution of future disputes;

(iv) The dispute resolution mechanism established by the Saudi Arabian government to resolve outstanding claims and the subsequent mutually satisfactory resolution of 15 of the 17 claims has made a positive impact on U.S.-Saudi commercial relations;

(v) State Department procedures for the espousal of claims by private companies are sometimes difficult and time-consuming, thereby decreasing the likelihood that claimants will utilize existing mechanisms for the resolution of disputes;

(vi) State Department procedures for espousal of claims must be expeditious and thorough, to ensure a fair legal review of the claim and appropriate, timely assistance to U.S. companies doing business overseas.

(b) OVERVIEW OF U.S.-SAUDI COMMERCIAL RELATIONS.—The Secretary of State, in consultation with the Secretary of Commerce, shall prepare and update on a yearly basis a complete, easily understandable manual for distribution to U.S. companies interested in doing business in Saudi Arabia. In addition, U.S. State Department staff in Saudi Arabia shall provide routine briefings for members of the U.S. business community operating in Saudi Arabia. The manual and briefings shall include, but not be limited to:

(i) An overview of the business environment in Saudi Arabia;

(ii) A complete overview of the Saudi Arabian system of justice, recent court decisions affecting commercial interests and an evaluation of the efficacy of the legal system for effective resolution of commercial disputes;

(iii) A detailed discussion of common risks and difficulties faced by companies conducting operations in Saudi Arabia;

(iv) An overview of Saudi contract law and a comparison to U.S. contract law;

(v) A suggested list of common contract practices to be followed by American businesses that would increase the security of U.S. investments in Saudi Arabia;

(vi) A list of outstanding claims by U.S. companies against the government of Saudi Arabia and efforts undertaken by the Department of State to quickly and effectively resolve these claims;

(vii) A list of outstanding claims by Saudi Arabian companies against the United States and actions undertaken to ensure the resolution of these claims.

This report shall be forwarded on an annual basis to the appropriate committees of the Congress.

(c) ESPOUSAL OF U.S. CLAIMS.—For any claims listed in the act that have yet to be resolved, the U.S. State Department shall have 30 days from the time the claim is formally submitted to the State Department for espousal to evaluate the merits of the claim and to recommend whether or not the United States government should espouse such claim. Such recommendation, whether negative or positive, shall, with supporting rationale, be reported to the appropriate committees of the Congress at the expiration of the 30 day period.

(d) DEFINITIONS.—The term "appropriate committees of the Congress" shall include—

(i) the International Relations Committee and the Appropriations Committee of the House of Representatives; and

(ii) the Foreign Relations Committee and the Appropriations Committee of the Senate.

HUTCHISON (AND OTHERS) AMENDMENT NO. 1953

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself, Mr. GRAMM, Mr. COATS, Mr. HELMS, Mr. GRAMS, Mr. SMITH, Mr. KEMPTHORNE, Mr. INHOFE, Mr. LOTT, Mr. NICKLES, and Mr. DEWINE) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

On page 91, between lines 4 and 5, insert the following new section:

SEC. 319. SENSE OF CONGRESS ON UNITED NATIONS FOURTH WORLD CONFERENCE ON WOMEN IN BEIJING, CHINA.

It is the sense of the Congress that—

(1) the United Nations Fourth World Conference on Women in Beijing, China, should promote a representative American perspective on issues of equality, peace, and development; and

(2) in the event the United States sends a delegation to the Conference, the United States delegation should use the voice and vote of the United States—

(A) to ensure that the biological and social activity of motherhood is recognized as a valuable and worthwhile endeavor that should in no way, in its form or actions, be demeaned by society or by the state;

(B) to ensure that the traditional family is upheld as the fundamental unit of society upon which healthy cultures are built and, therefore, receives esteem and protection by society and the state; and

(C) to define or agree with any definitions that define gender as the biological classification of male and female, which are the two sexes of the human being.

SNOWE AMENDMENT NO. 1954

(Ordered to lie on the table.)

Ms. SNOWE submitted an amendment intended to be proposed by her to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. —. CONCERNING THE PROTECTION AND CONTINUED LIVELIHOOD OF THE EASTERN ORTHODOX ECUMENICAL PARTRIARCHATE.

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

(1) in recent years there have been successive terrorist attempts to desecrate and destroy the premises of the Ecumenical Patriarchate in the Fanar area of Istanbul (Constantinople), Turkey;

(2) attempts against the Ecumenical Patriarchate have intensified, including the following attempts:

(A) In July and August 1993, the Christian Orthodox cemetery in Yenikoy, near Istanbul, was attacked by vandals and desecrated.

(B) There has been a concerted effort throughout Turkey to convert the Church of Hagia (Saint) Sophia, one of the most sacred monuments of Greek Orthodox Christianity and currently used as a museum, into a mosque.

(C) On the night of March 30, 1994, 3 bombs were discovered in the building where the Patriarch lives.

(D) The Turkish press and some politicians have been launching a well-orchestrated campaign against the Ecumenical Patriarchate accusing it of trying to become an independent state or that it wishes to revive the Byzantine Empire. These accusations resulted in provoking dangerous reactions among the Moslem population in Turkey against the Ecumenical Patriarchate.

(E) Negative statements have been directed toward the Patriarchate by the Mayor of the Fatih District of Istanbul.

(3) His All Holiness Patriarch Bartholomew and those associated with the Ecumenical Patriarchate are Turkish citizens and thus must be protected under Turkish law against blatant and unprovoked attacks toward ethnic minorities;

(4) the Turkish Government arbitrarily closed the Halki Patriarchal School of Theology in 1971;

(5) the closing of the Halki School of Theology is a serious concern for the Ecumenical Patriarchate;

(6) Turkish law requires that the Patriarch, as well as all the clergy, faculty, and students be citizens of Turkey, and the Halki School of Theology is the only educational institution for Orthodox Christian leadership;

(7) the unimpeded continued provocations against the Ecumenical Patriarchate and the closing of the Halki School of Theology are in violation of international treaties to which Turkey has been a signatory, including the Treaty of Lausanne, the 1968 Protocol, the Helsinki Final Act–1975, the Charter of Paris, and the United Nations Charter;

(8) these consequences have severely compromised and threatened the safety and security of the Ecumenical Patriarchate and the future existence of this Orthodox Institution in Turkey;

(9) the Ecumenical Patriarchate is the spiritual center for more than 250,000,000 Orthodox Christians worldwide, including approximately 5,000,000 in the United States; and

(10) it is in the best interest of the United States to prevent further incidents regarding the Ecumenical Patriarchate, the spiritual leader of millions of American citizens, and in the overall goals of the United States to establish peaceful relations with and among the many important nations of the world that have substantial Orthodox Christian populations.

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

(1) the United States should use its influence with the Turkish Government and as a permanent member of the United Nations Council to suggest that the Turkish Government—

(A) ensure the proper protection for the Patriarchate and all Orthodox faithful residing in Turkey;

(B) assure that positive steps are taken to reopen the Halki Patriarchal School of Theology;

(C) provide for the proper protection and safety of the Ecumenical Patriarch and the Patriarchate personnel;

(D) establish conditions that would prevent the reoccurance of past terrorist activities and vandalism and other personal threats against the Patriarch;

(E) establish conditions to ensure that the Patriarchate is free to carry out its religious mission; and

(F) do everything possible to find and punish the perpetrators of any provocative and terrorist acts against the Patriarchate.

(2) The Administration should report to the Congress the status and progress of the concerns in paragraph (1) on an annual basis.

SNOWE AMENDMENT NO. 1955

(Ordered to lie on the table.)

Ms. SNOWE submitted an amendment intended to be proposed by her to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. . RUSSIAN NUCLEAR TECHNOLOGY AGREEMENT WITH IRAN.

(a) FINDINGS.—The Congress finds that—

(1) Iran is aggressively pursuing a program to acquire or develop nuclear weapons, or both;

(3) Iran has opposed the Middle East peace process and continues to support the terrorist group Hezballah in Lebanon and radical Palestinian groups;

(4) Iran has asserted control over the Persian Gulf island of Abu Musa, which it had been previously sharing with the United Arab Emirates;

(5) during the last few years Iran has reportedly acquired several hundred improved Seud missiles from North Korea;

(6) Iran has moved modern air defense missile systems, tanks, additional troops, artillery, and surface-to-surface missiles onto islands in the Persian Gulf, some of which are disputed between Iran and the United Arab Emirates;

(7) Iran has already taken delivery of as many as 30 modern MiG-29 fighter aircraft from the Russian federation;

(8) the Russian Federation has sold modern conventionally powered submarines to Iran, which increases Iran's capability to blockade the Straits of Hormuz and the Persian Gulf; and

(9) the Russian Federation has continued to pursue a commercial agreement intended to provide Iran with nuclear technology despite being provided with a detailed description by the President of United States of Iran's nuclear weapons program.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Russian Federation should be strongly condemned if it continues with a commercial agreement to provide Iran with nuclear technology which would assist that country in its development of nuclear weapons, and, if such transfer occurs, that the Russian Federation would be ineligible for assistance under the terms of the Freedom Support Act.

SNOWE AMENDMENT NO. 1956

(Ordered to lie on the table.)

Ms. SNOWE submitted an amendment intended to be proposed by her to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. . SUPPORTING A RESOLUTION TO THE LONG-STANDING DISPUTE REGARDING CYPRUS.

(a) FINDINGS.—The Congress finds that—

(1) the long-standing dispute regarding Cyprus remains unresolved;

(2) the Turkish military presence in the territory of the Republic of Cyprus has continued for more than 20 years;

(3) the status quo on Cyprus remains unacceptable;

(4) the United States attaches great importance to a just and peaceful resolution of the dispute regarding Cyprus;

(5) the United Nations and the United States are using their good offices to resolve such dispute;

(6) on January 5, 1995, President Clinton appointed a Special Presidential Emissary for Cyprus;

(7) the United Nations has adopted numerous resolutions that set forth the basis of a solution for the dispute regarding Cyprus;

(8) paragraph (2) of United Nations Security Council Resolution 939 of July 29, 1994, reaffirms that a solution must be based on a state of Cyprus with a single sovereignty and international personality, and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities as described in the relevant Security Council resolutions, in a bicommunal and bizonal federation, and that such a settlement must exclude union in whole or in part with any other country or any form of partition or secession;

(9) the United Nations Secretary General has described the militarily occupied part of Cyprus as one of the most highly militarized areas in the world;

(10) the continued Turkish military presence on Cyprus hampers the search for a freely negotiated solution to the dispute regarding Cyprus;

(11) the United Nations and the United States have called for the withdrawal of all foreign troops from the territory of the Republic of Cyprus; and

(12) comprehensive plans for the demilitarization of the Republic of Cyprus have been proposed.

(b) SENSE OF CONGRESS.—The Congress—

(1) reaffirms that the status quo on Cyprus is unacceptable;

(2) welcomes the appointment of a Special Presidential Emissary for Cyprus;

(3) expresses its continued strong support for efforts by the United Nations Secretary General and the United States Government to help resolve the Cyprus problem in a just and viable manner at the earliest possible time;

(4) insists that all parties to the dispute regarding Cyprus agree to seek a solution based upon the relevant United Nations resolutions, including paragraph (2) of United Nations Security Council Resolution 939 of July 29, 1994;

(5) reaffirms the position that all foreign troops should be withdrawn from the territory of the Republic of Cyprus;

(6) considers that demilitarization of the Republic of Cyprus would meet the security concerns of all parties involved, would enhance prospects for a peaceful and lasting resolution of the dispute regarding Cyprus, would benefit all of the people of Cyprus, and merits international support; and

(7) encourages the United Nations Security Council and the United States Government to consider alternative approaches to promote a resolution of the long-standing dispute regarding Cyprus based upon relevant Security Council resolutions, including incentives to encourage progress in negotiations or effective measures against any recalcitrant party.

KERRY (AND PELL) AMENDMENT NO. 1957

(Ordered to lie on the table.)

Mr. KERRY (for himself and Mr. PELL) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

On page 220, at the beginning of line 14, strike all that follows through line 25.

KERRY (AND PELL) AMENDMENT NO. 1958

(Ordered to lie on the table.)

Mr. KERRY (for himself and Mr. PELL) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

On page 73, at the beginning of line 6, strike all that follows through page 74, line 5.

KERRY (AND PELL) AMENDMENT NO. 1959

(Ordered to lie on the table.)

Mr. KERRY (for himself and Mr. PELL) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

On page 61, line 12, strike all that follows after the words "Peacekeeping Activities." through page 62, line 24, and add the following:

"Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) NOTICE TO CONGRESS OF PROPOSED UNITED NATIONS PEACEKEEPING ACTIVITIES.—(1) Except as provided in paragraph (2), at least 5 days before any vote in the Security Council to authorize any United Nations peacekeeping activity or any other action under the Charter of the United Nations (including any extensions, modification, suspension, or termination of any previously authorized peacekeeping activity or other action) which would involve the use of United States Armed Forces or the expenditure of United States funds, the President shall submit to the designated congressional committees a notification with respect to the proposed action. The notification shall include the following:

"(A) A cost assessment of such action (including the total estimated cost and the United States share of such cost).

"(B) Identification of the source of funding for the United States share of the costs of the action (whether in an annual budget request, reprogramming notification, a rescission of funds, a budget amendment, or a supplemental budget request).

"(2)(A) If the President determines that an emergency exists which prevents submission of the 5-day advance notification specified in paragraph (1) and that the proposed action is in the national security interests of the United States, the notification described in paragraph (1) shall be provided in a timely manner but not later than 48 hours after the vote by the Security Council.

"(B) Determinations made under subparagraph (A) may not be delegated.".

KERRY AMENDMENT NO. 1960

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

Delete Section 205 and insert in lieu thereof the following:

SEC. 205. UNITED NATIONS BUDGETARY AND MANAGEMENT REFORM.

(A) IN GENERAL.—The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

"SEC. 10. UNITED NATIONS BUDGETARY AND MANAGEMENT REFORM.

"(a) WITHHOLDING OF CONTRIBUTIONS.—

"(1) ASSESSED CONTRIBUTIONS FOR REGULAR UNITED NATIONS BUDGET.—At the beginning of each fiscal year, 20 percent of the amount of funds made available for the fiscal year for United States assessed contributions for the regular United Nations budget shall be withheld from obligation and expenditure unless a certification for that fiscal year has been made under subsection (b).

"(2) ASSESSED CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING.—At the beginning of each fiscal year, 50 percent of the amount of funds made available for that fiscal year for United States assessed contributions for United Nations peacekeeping activities shall be withheld from obligation and expenditure unless a certification for that fiscal year has been made under subsection (b).

"(3) VOLUNTARY CONTRIBUTIONS FOR UNITED NATIONS PEACKEEPING.—The United States may not during any fiscal year pay any voluntary contribution to the United Nations for international peacekeeping activities unless a certification for that fiscal year has been made under subsection (b).

"(b) CERTIFICATION.—The certification referred to in subsection (a) for any fiscal year is a certification by the President to the Congress, submitted on or after the beginning of that fiscal year, of each of the following:

"(1) The United Nations has an independent office of Inspector General to conduct and supervise objective audits, inspections, and investigations relating to programs and operations of the United Nations.

"(2) The United Nations has an Inspector General who was appointed by the Secretary General with the approval of the General Assembly and whose 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 investigation.

"(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;

"(C) have direct and prompt access to any official of the United Nations; and

"(D) have access to all records and officials of the specialized agencies of the united Nations.

"(4) The United Nations has fully implemented, and made available to all member states, procedures that effectively protect the identity of, and prevent reprisals against, any staff member of the United Nations making a complaint or disclosing information to, or cooperating in any investigation or inspection by, the United Nations Inspector General.

"(5) The United Nations has fully implemented procedures that ensure compliance with recommendations of the United Nations Inspector General.

"(6) The United Nations has required the United Nations Inspector General to issue an annual report and has ensured that the annual report and all other relevant reports of the Inspector General are made available to the General Assembly without modification.

"(7) The United Nations is committed to providing sufficient budgetary resources to ensure the effective operation of the United Nations Inspector General.".

KERRY (AND PELL) AMENDMENT NO. 1961

(Ordered to lie on the table.)

Mr. KERRY (for himself and Mr. PELL) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

On page 54, at the beginning of line 17, strike all that follows through line 22.

KERRY AMENDMENT NO. 1962

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

Beginning on page 125, strike line 1 and all that follows through line 15 on page 267 and insert the following:

DIVISION B—CONSOLIDATION AND REINVENTION OF FOREIGN AFFAIRS AGENCIES

SEC. 1001. SHORT TITLE.

This division may be cited as the "Foreign Affairs Reinvention Act of 1995".

SEC. 1002. PURPOSES.

The purposes of this division are—

(1) to reorganize and reinvent the foreign affairs agencies of the United States in order to enhance the formulation, coordination, and implementation of United States foreign policy;

(2) to streamline and consolidate the functions and personnel of the Department of State, the Agency for International Development, the United States Information Agency, and the United States Arms Control and Disarmament Agency in order to eliminate redundancies in the functions and personnel of such agencies;

(3) to assist congressional efforts to balance the Federal budget and reduce the Federal debt;

(4) to strengthen the authority of United States ambassadors over all United States Government personnel and resources located in United States diplomatic missions in order to enhance the ability of the ambassadors to deploy such personnel and resources to the best effect to attain the President's foreign policy objectives;

(5) to encourage United States foreign affairs agencies to maintain a high percentage of the best qualified, most competent United States citizens serving in the United States Government while downsizing significantly the total number of people employed by such agencies; and

(6) to ensure that all functions of United States diplomacy be subject to recruitment, training, assignment, promotion, and egress based on common standards and procedures while preserving maximum interchange among such functions.

TITLE XI—REORGANIZATION OF FOREIGN AFFAIRS AGENCIES

SEC. 1101. REORGANIZATION PLAN FOR THE DEPARTMENT OF STATE AND INDEPENDENT FOREIGN AFFAIRS AGENCIES.

(a) SUBMISSION OF PLAN.—Not later than 6 months after the date of enactment of this Act, the President shall transmit to the appropriate congressional committees a reorganization plan providing for the streamlining and consolidation of the Department of State, the United States Information Agency, the Agency for International Development, and the United States Arms Control and Disarmament Agency. Such plan shall provide for—

(1) the enhancement of the formulation, coordination, and implementation of policy;

(2) the maintenance, to the maximum extent possible, of a United States presence abroad within budgetary constraints;

(3) a reduction in the aggregate number of independent foreign affairs agencies;

(4) the elimination in the duplication of functions and personnel between the Department of State and such other agency or agencies not abolished under paragraph (3);

(5) the reduction in the aggregate number of positions in the Department of State and the independent foreign affairs agencies which are classified at each of levels II, III, and IV of the Executive Schedule;

(6) the reorganization and streamlining of the Department of State; and

(7) the achievement of a cost savings of at least $2,000,000,000 over 4 years through the consolidation of agencies.

(b) PLAN ELEMENTS.—The plan under subsection (a) shall—

(1) identify the functions of the independent foreign affairs agencies that will be transferred to the Department of State under the plan, as well as those that will be abolished under the plan;

(2) identify the personnel and positions of the agencies (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred to the Department, separated from service with the Agency, or be eliminated under the plan, and set forth a schedule for such transfers, separations, and terminations;

(3) identify the personnel and positions of the Department (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred within the Department, separated from service with the Department, or eliminated under the plan and set forth a schedule for such transfers, separations, and terminations;

(4) specify the consolidations and reorganization of functions of the Department that will be required under the plan in order to permit the Department to carry out the functions transferred to the Department under the plan;

(5) specify the funds available to the independent foreign affairs agencies that will be transferred to the Department under this title as a result of the implementation of the plan;

(6) specify the proposed allocations within the Department of unexpended funds of the independent foreign affairs agencies; and

(7) specify the proposed disposition of the property, facilities, contracts, records, and other assets and liabilities of the independent foreign affairs agencies resulting from the abolition of any such agency and the transfer of the functions of the independent foreign affairs agencies to the Department.

(c) LIMITATIONS ON CONTENTS OF PLAN.—(1) Sections 903, 904, and 905 of title 5, United

States Code, shall apply to the plan transmitted under subsection (a).

(2) The plan may not provide for the termination of any function authorized by law.

(d) EFFECTIVE DATE OF PLAN.—(1) The plan transmitted under subsection (a) shall take effect 60 calendar days of continuous session of Congress after the date on which the plan is transmitted to Congress unless Congress enacts a joint resolution, in accordance with subsection (e), disapproving the plan.

(2) For purposes of paragraph (1)—

(A) continuity of session is broken only by an adjournment of Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

(e) CONGRESSIONAL PRIORITY PROCEDURES.—(1) Except as provided in paragraph (2), sections 908, 910, 911, and 912 of title 5, United States Code, shall apply to the consideration by Congress of a joint resolution described in paragraph (3) that is introduced in a House of Congress.

(2) The following requirements shall apply to actions described in paragraph (1) without regard to chapter 9 of title 5, United States Code:

(A) A referral of joint resolutions under this section may only be made to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(B) The reference in section 908 of such title to reorganization plans transmitted on or before December 31, 1984, shall have no force or effect.

(3) A joint resolution under this section means only a joint resolution of the Congress, the matter after the resolving clause of which is as follows: "That the Congress disapproves the reorganization plan numbered ___ transmitted to the Congress by the President on ___, 19___", which plan may include such modifications and revisions as are submitted by the President under section 903(c) of title 5, United States Code. The blank spaces therein are to be filled appropriately.

(4) The provisions of this subsection supersede any other provision of law.

(f) EXPIRATION OF AUTHORITY TO TRANSMIT PLAN.—The authority of the President to transmit a reorganization plan under subsection (a) shall expire on the date that is 6 months after the date of the enactment of this Act.

(g) DEADLINE FOR IMPLEMENTATION.—If the reorganization plan transmitted under subsection (a) is not disapproved by Congress in accordance with subsection (e), the plan shall be implemented not later than March 1, 1997.

(h) ABOLITION OF INDEPENDENT FOREIGN AFFAIRS AGENCIES.—

(1) ABOLITION FOR FAILURE TO TRANSMIT PLAN.—If the President does not transmit to Congress a reorganization plan under subsection (a), the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development are abolished as of 180 days after the date of enactment of this Act.

(2) ABOLITION FOR FAILURE TO IMPLEMENT PLAN.—If the President does not implement the reorganization plan transmitted and not disapproved under this section with respect to an agency referred to in paragraph (1), the agency is abolished as of March 1, 1997.

(i) DEFINITION.—As used in this section, the term "independent foreign affairs agencies" means the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development.

SEC. 1102. TRANSFERS OF FUNCTIONS.

(a) TRANSFERS.—Subject to subsection (b), there are transferred to, and vested in, the Secretary of State all functions vested by law (including by reorganization plan approved before the date of the enactment of this Act pursuant to chapter 9 of title 5, United States Code) in, or exercised by, the head of each of the following agencies, the agencies themselves, or officers, employees, or components thereof:

(1) The United States Arms Control and Disarmament Agency.

(2) The United States Information Agency.

(3) The Agency for International Development.

(b) EFFECTIVE DATE.—The transfers referred to in subsection (a) shall take place—

(1) if the President does not transmit a reorganization plan to Congress under section 1101(a), not later than 180 days after the date of enactment of this Act; or

(2) if the President does not implement the reorganization plan transmitted and not disapproved under such section with respect to an agency referred to in subsection (a), not later than March 1, 1997.

SEC. 1103. VOLUNTARY SEPARATION INCENTIVES.

(a) AUTHORITY TO PAY INCENTIVES.—The head of an agency referred to in subsection (b) may pay voluntary incentive payments to employees of the agency in order to avoid or minimize the need for involuntary separations from the agency as a result of the abolition of the agency and the consolidation of functions of the Department of State under this title.

(b) COVERED AGENCIES.—Subsection (a) applies to the following agencies:

(1) The Department of State.

(2) The United States Arms Control and Disarmament Agency.

(3) The United States Information Agency.

(4) The Agency for International Development.

(c) PAYMENT REQUIREMENTS.—(1) The head of an agency shall pay voluntary separation incentive payments in accordance with the provisions of section 3 of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226; 108 Stat. 111), except that an employee of the agency shall be deemed to be eligible for payment of a voluntary separation incentive payment under that section if the employee separates from service with the agency during the period beginning on the date of enactment of this Act and ending on February 28, 1997.

(2) The provisions of subsection (d) of such section 3 shall apply to any employee who is paid a voluntary separation incentive payment under this section.

(d) FUNDING.—The payment of voluntary separation incentive payments under this section shall be made from funds in the Foreign Affairs Reorganization Transition Fund established under section 1104. The Secretary of State may transfer sums in that Fund to the head of an agency under subsection (e)(1)(B) of that section for payment of such payments by the agency head.

(e) TERMINATION OF AUTHORITY.—The authority of the head of an agency to authorize payment of voluntary separation incentive payments under this section shall expire on February 28, 1997.

SEC. 1104. TRANSITION FUND.

(a) ESTABLISHMENT.—There is hereby established on the books of the Treasury an account to be known as the "Foreign Affairs Reorganization Transition Fund".

(b) PURPOSE.—The purpose of the account is to provide funds for the orderly transfer of functions and personnel to the Department of State as a result of the implementation of this title and for payment of other costs associated with the consolidation of foreign affairs agencies under this title.

(c) DEPOSITS.—(1) Subject to paragraphs (2) and (3), there shall be deposited into the account the following:

(A) Funds appropriated to the account pursuant to the authorization of appropriations in subsection (j).

(B) Funds transferred to the account by the Secretary of State from funds that are transferred to the Secretary by the head of an agency under subsection (d).

(C) Funds transferred to the account by the Secretary from funds that are transferred to the Department of State together with the transfer of functions to the Department under this title and that are not required by the Secretary in order to carry out the functions.

(D) Funds transferred to the account by the Secretary from any unobligated funds that are appropriated or otherwise made available to the Department.

(2) The Secretary may transfer funds to the account under subparagraph (C) of paragraph (1) only if the Secretary determines that the amount of funds deposited in the account pursuant to subparagraphs (A) and (B) of that paragraph is inadequate to pay the costs of carrying out this title.

(3) The Secretary may transfer funds to the account under subparagraph (D) of paragraph (1) only if the Secretary determines that the amount of funds deposited in the account pursuant to subparagraphs (A), (B), and (C) of that paragraph is inadequate to pay the costs of carrying out this title.

(d) TRANSFER OF FUNDS TO SECRETARY OF STATE.—The head of a transferor agency shall transfer to the Secretary the amount, if any, of the unobligated funds appropriated or otherwise made available to the agency for functions of the agency that are abolished under this title which funds are not required to carry out the functions of the agency as a result of the abolishment of the functions under this title.

(e) USE OF FUNDS.—(1)(A) Notwithstanding any other provision of law, the Secretary shall use sums in the account for payment of the costs of carrying out this title, including costs relating to the consolidation of functions of the Department of State and relating to the termination of employees of the Department.

(B) The Secretary may transfer sums in the account to the head of an agency to be abolished under this title for payment by the head of the agency of the cost of carrying out a voluntary separation incentive program at the agency under section 1103.

(2) Funds in the account shall be available for the payment of costs under paragraph (1) without fiscal year limitation.

(3) Funds in the account may be used only for purposes of paying the costs of carrying out this title.

(f) TREATMENT OF UNOBLIGATED BALANCES.—(1) Subject to paragraph (2), unobligated funds, if any, which remain in the account after the payment of the costs described in subsection (e)(1) shall be transferred to Department of State and shall be available to the Secretary of State for purposes of carrying out the functions of the Department.

(2) The Secretary may not transfer funds in the account to the Department under paragraph (1) unless the appropriate congressional committees are notified in advance of

such transfer in accordance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956.

(g) REPORT ON ACCOUNT.—Not later than October 1, 1998, the Secretary of State shall transmit to the appropriate congressional committees a report containing an accounting of—

(1) the expenditures from the account established under this section; and

(2) in the event of any transfer of funds to the Department of State under subsection (f), the functions for which the funds so transferred were expended.

(i) TERMINATION OF AUTHORITY TO USE ACCOUNT.—The Secretary may not obligate funds in the account after September 30, 1999.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 for deposit under subsection (c)(1) into the account established under subsection (a).

SEC. 1105. ASSUMPTION OF DUTIES BY APPROPRIATE APPOINTEES.

An individual holding office on the date of the enactment of this Act—

(1) who was appointed to the office by the President, by and with the advice and consent of the Senate;

(2) who is transferred to a new office in the Department of State under this title; and

(3) who performs duties in such new office that are substantially similar to the duties performed by the individual in the office held on such date,

may, in the discretion of the Secretary of State, assume the duties of such new office, and shall not be required to be reappointed by reason of the enactment of this title.

SEC. 1106. RIGHTS OF EMPLOYEES OF ABOLISHED AGENCIES.

(a) IN GENERAL.—Except as otherwise provided by this title, the transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for 1 year after the date of transfer of such employee under this title.

(b) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this title, any person who, on the day preceding the date of the abolition of a transferor agency under this title, held a position in such an agency that was compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Department of State to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(c) TERMINATION OF CERTAIN POSITIONS.—Positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred under this title, shall terminate on the date of the transferal of the functions under this title.

(d) EXCEPTED SERVICE.—(1) Subject to paragraph (2), in the case of employees occupying positions in the excepted service or the Senior Executive Service, any appointment authority established pursuant to law or regulations of the Office of Personnel Management for filling such positions shall be transferred.

(2) The Department of State may decline a transfer of authority under paragraph (1) (and the employees appointed pursuant thereto) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policy-making, policy-determining, or policy-advocating character, and noncareer positions in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(e) EMPLOYEE BENEFIT PROGRAMS.—(1) Any employee accepting employment with the Department of State as a result of such transfer may retain for 1 year after the date such transfer occurs membership in any employee benefit program of the transferor agency, including insurance, to which such employee belongs on the date of the enactment of this Act if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Secretary of State.

(2) The difference in the costs between the benefits which would have been provided by such agency or entity and those provided by this section shall be paid by the Secretary of State. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by the Secretary of State, the employee shall be permitted to select an alternate Federal health insurance program within 30 days of such election or notice, without regard to any other regularly scheduled open season.

(f) SENIOR EXECUTIVE SERVICE.—A transferring employee in the Senior Executive Service shall be placed in a comparable position at the Department of State.

(g) ASSIGNMENTS.—(1) Transferring employees shall receive notice of their position assignments not later than the date on which the reorganization plan setting forth the transferal of such employees is transmitted to the appropriate congressional committees under this title.

(2) Foreign Service personnel transferred to the Department of State pursuant to this title shall be eligible for any assignment open to Foreign Service personnel within the Department.

SEC. 1107. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.

(a) IN GENERAL.—Except as otherwise provided in this title, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred under this title, subject to section 1531 of title 31, United States Code, shall be transferred to the Department of State.

(b) TREATMENT OF PERSONNEL EMPLOYED IN TERMINATED FUNCTIONS.—The following shall apply with respect to officers and employees of a transferor agency that are not transferred under this title:

(1) Under such regulations as the Office of Personnel Management may prescribe, the head of any agency in the executive branch may appoint in the competitive service any person who is certified by the head of the transferor agency as having served satisfactorily in the transferor agency and who passes such examination as the Office of Personnel Management may prescribe. Any person so appointed shall, upon completion of the prescribed probationary period, acquire a competitive status.

(2) The head of any agency in the executive branch having an established merit system in the excepted service may appoint in such service any person who is certified by the head of the transferor agency as having served satisfactorily in the transferor agency and who passes such examination as the head of such agency in the executive branch may prescribe.

(3) Any appointment under this subsection shall be made within a period of 1 year after completion of the appointee's service in the transferor agency.

(4) Any law, Executive order, or regulation which would disqualify an applicant for appointment in the competitive service or in the excepted service concerned shall also disqualify an applicant for appointment under this subsection.

SEC. 1108. PERSONNEL AUTHORITIES FOR TRANSFERRED FUNCTIONS.

(a) APPOINTMENTS.—(1) Subject to paragraph (2), the Secretary of State may appoint and fix the compensation of such officers and employees, including investigators, attorneys, and administrative law judges, as may be necessary to carry out the respective functions transferred to the Department of State under this title. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

(2) A person employed under paragraph (1) may not continue in such employment after the end of the period (as determined by the Secretary) required for the transferal of functions under this title.

(b) EXPERTS AND CONSULTANTS.—The Secretary of State may obtain the services of experts and consultants in connection with functions transferred to the Department of State under this title in accordance with section 3109 of title 5, United States Code, and compensate such experts and consultants for each day (including traveltime) at rates not in excess of the rate of pay for level IV of the Executive Schedule under section 5315 of such title. The head Secretary may pay experts and consultants who are serving away from their homes or regular place of business travel expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of such title for persons in Government service employed intermittently.

SEC. 1109. PROPERTY AND FACILITIES.

(a) IN GENERAL.—The Secretary of State shall review the property and facilities of each transferror agency for purposes of determining if the property is required by the Department of State in order to carry out the functions of the Department after the transfer of functions to the Department under this title.

(b) DEADLINE FOR TRANSFER.—Not later than March 1, 1997, all property and facilities within the custody of the transferor agencies shall be transferred to the custody of the Secretary of State.

SEC. 1110. DELEGATION AND ASSIGNMENT.

Except where otherwise expressly prohibited by law or otherwise provided by this title, the Secretary of State may delegate any of the functions transferred to the Secretary under this title and any function transferred or granted to the Secretary after the effective date of this title to such officers and employees of the Department of State as the Secretary may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions by the Secretary under this section or under any

other provision of this title shall relieve the Secretary of responsibility for the administration of such functions.

SEC. 1111. RULES.

The Secretary of State may prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Secretary determines necessary or appropriate to administer and manage the functions of the Department of State after the transfer of functions to the Department under this title.

SEC. 1112. INCIDENTAL TRANSFERS.

The Director of the Office of Management and Budget may, at such time or times as the Director shall provide, make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this title. The Director shall provide for the termination of the affairs of all entities terminated by this title and for such further measures and dispositions as may be necessary to effectuate the purposes of this title.

SEC. 1113. EFFECT ON CONTRACTS AND GRANTS.

(a) PROHIBITION ON NEW OR EXTENDED CONTRACTS OR GRANTS.—Except as provided in subsection (b), the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development may not—

(1) enter into a contract or agreement which will continue in force after the termination date, if any, of such agency under this title;

(2) extend the term of an existing contract or agreement of such agency to a date after such date; or

(3) make a grant which will continue in force after such date.

(b) EXCEPTION.—Subsection (a) does not apply to the following:

(1) Contracts and agreements for carrying out essential administrative functions.

(2) Contracts and agreements for functions and activities that the Secretary of State determines will be carried out by the Department of State after the termination of the agency concerned under this title.

(3) Grants relating to the functions and activities referred to in paragraph (2).

(c) EVALUATION AND TERMINATION OF EXISTING CONTRACTS.—The Secretary of State and the head of each agency referred to in subsection (a) shall—

(1) review the contracts of such agency that will continue in force after the date, if any, of the abolishment of the agency under this title in order to determine if the cost of abrogating such contracts before that date would be exceed the cost of carrying out the contract according to its terms; and

(2) in the case of each contract so determined, provide for the termination of the contract in the most cost-effective manner practicable.

SEC. 1114. SAVINGS PROVISIONS.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this title, and

(2) which are in effect at the time this title takes effect, or were final before the effective date of this title and are to become effective on or after the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary of State or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the transferor agency at the time this title takes effect for that agency, with respect to functions transferred under this title but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) SUITS NOT AFFECTED.—The provisions of this title shall not affect suits commenced before the effective date of this title, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the transferor agency, or by or against any individual in the official capacity of such individual as an officer of the transferor agency, shall abate by reason of the enactment of this title.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the transferor agency relating to a function transferred under this title may be continued by the Secretary of State with the same effect as if this title had not been enacted.

SEC. 1115. SEPARABILITY.

If a provision of this title or its application to any person or circumstance is held invalid, neither the remainder of this title nor the application of the provision to other persons or circumstances shall be affected.

SEC. 1116. TRANSITION.

The Secretary of State may utilize—

(1) the services of such officers, employees, and other personnel of the transferor agency with respect to functions transferred to the Department of State under this title; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this title.

SEC. 1117. ADDITIONAL CONFORMING AMENDMENTS.

The President may submit a report to the appropriate congressional committees containing such recommendations for such additional technical and conforming amendments to the laws of the United States as may be appropriate to reflect the changes made by this division.

SEC. 1118. FINAL REPORT.

Not later than October 1, 1998, the President shall provide by written report to the Congress a final accounting of the finances and operations of the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development.

SEC. 1119. DEFINITIONS.

For purposes of this title, unless otherwise provided or indicated by the context—

(1) the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives;

(2) the term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code;

(3) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program;

(4) the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof;

(5) the term "transferor agency" refers to each of the following agencies:

(A) The Agency for International Development, a component of the International Development Cooperation Agency.

(B) The International Development Cooperation Agency (insofar as it exercises functions related to the Agency for International Development).

(C) The United States Information Agency (exclusive of the Broadcasting Board of Governors).

(D) The United States Arms Control and Disarmament Agency.

TITLE XII—CONSOLIDATION OF DIPLOMATIC MISSIONS AND CONSULAR POSTS

SEC. 1201. CONSOLIDATION OF UNITED STATES DIPLOMATIC MISSIONS AND CONSULAR POSTS.

(a) CONSOLIDATION PLAN.—The Secretary of State shall develop a worldwide plan for the consolidation, wherever practicable, on a regional or areawide basis, of United States missions and consular posts abroad in order to carry out this section.

(b) CONTENTS OF PLAN.—The plan shall—

(1) identify the specific United States diplomatic missions and consular posts for consolidation;

(2) identify those missions and posts at which the resident ambassador would also be accredited to other specified states in which the United States either maintained no resident official presence or maintained such a presence only at staff level; and

(3) provide an estimate of—

(A) the amount by which expenditures would be reduced through the reduction in the number of United States Government personnel assigned abroad;

(B) through a reduction in the costs of maintaining United States properties abroad; and

(C) the amount of revenues generated to the United States through the sale or other disposition of United States properties associated with the posts to be consolidated abroad.

(c) TRANSMITTAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall transmit a copy of the plan to the appropriate congressional committees.

(d) IMPLEMENTATION.—Not later than 60 days after transmittal of the plan under subsection (c), the Secretary of State shall take steps to implement the plan unless the Congress before such date enacts legislation disapproving the plan.

(e) CONGRESSIONAL PRIORITY PROCEDURES.—(1) A joint resolution described in paragraph (2) which is introduced in a House of Congress after the date on which a plan developed under subsection (a) is received by Congress, shall be considered in accordance with the procedures set forth in paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473 (98 Stat. 1936)), except that—

(A) references to the "report described in paragraph (1)" shall be deemed to be references to the joint resolution; and

(B) references to the Committee on Appropriations of the House of Representatives and to the Committee on Appropriations of the Senate shall be deemed to be references to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) A joint resolution under this paragraph is a joint resolution the matter after the resolving clause of which is as follows: "That the Congress disapproves the plan submitted by the President on _____ pursuant to section 1109 of the Foreign Relations Revitalization Act.".

(f) RESUBMISSION OF PLAN.—If, within 60 days of transmittal of a plan under subsection (c), Congress enacts legislation disapproving the plan, the President shall transmit to the appropriate congressional committees a revised plan developed under subsection (a).

(g) STATUTORY CONSTRUCTION.—Nothing in this section requires the termination of United States diplomatic or consular relations with any foreign country.

(h) DEFINITIONS.—As used in this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) PLAN.—The term "plan" means the plan developed under subsection (a).

SEC. 1202. DETAIL OF OTHER AGENCY PERSONNEL TO STATE DEPARTMENT.

Any employee of any agency other than the Department of State who is assigned to an overseas post located within any United States mission except for those assigned to a military command shall be detailed to the Department of State for the duration of such assignment, and shall be fully under the authority of the Chief of Mission. The Chief of Protocol, at the sole discretion of the Secretary of State, shall accord diplomatic titles, privileges, and immunities to any such employees as the Secretary of State deems appropriate.

KERRY AMENDMENT NO. 1963

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

Delete the authorizations for fiscal years 1998 and 1999 throughout the bill.

PELL AMENDMENT NO. 1964

(Ordered to lie on the table.)

Mr. PELL submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 104, line 23, strike "(a) FISCAL YEAR 1996.—".

On page 105, line 1, strike "$22,700,000 for the fiscal year 1996" and insert "$45,000,000 for each of the fiscal years 1996 and 1997".

On page 105, strike lines 3 through 5.

On page 125, line 9, insert "certain" after "reinvent".

On page 126, lines 21 and 22. strike "the United States Arms Control and Disarmament Agency.".

On page 134, beginning on line 8, strike "the following" and all that follows through "Assisting" on line 9 and insert "assisting".

On page 134, line 11, strike "arms control and nonproliferation,".

On page 134, strike lines 16 through 18.

Beginning on page 145, strike line 16 and all that follows through line 19 on page 146.

On page 146, line 20, strike "(2)" and insert "(1)".

On page 148, line 4, strike "(3)" and insert "(2)".

On page 149, line 1, strike "(4)" and insert "(3)".

On page 166, strike lines 18 and 19.

Beginning on page 175, strike line 1 and all that follows through line 22 on page 184 and insert the following:

TITLE XII—ARMS CONTROL AND DISARMAMENT AGENCY

SEC. 1201. ELIMINATION OF DUPLICATION.

(a) IN GENERAL.—The Secretary of State and the Director of the United States Arms Control and Disarmament Agency, in consultation with the National Security Advisor shall, in a manner consistent with the provisions of the Arms Control and Disarmament Act of 1961 and with this title, identify and eliminate all duplicative, overlapping, or superfluous personnel, functions, goals, activities, offices, and programs within and between the Department of State and the United States Arms Control and Disarmament Agency.

(b) REPORT.—Not later than March 31, 1996, or 180 days after the date of enactment of this Act, whichever is later, the President shall submit a report describing the personnel, functions, goals, activities, offices, and programs identified under subsection (a) to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives, together with proposed legislation if additional statutory authority is required to implement subsection (a).

On page 221, strike lines 23 and 24.

On page 222, line 1, strike "(2)" and insert "(1)".

On page 222, line 3, strike "(3)" and insert "(2)".

Beginning on page 224, strike line 13 and all that follows through line 8 on page 228.

On page 237, line 4, strike "1703, 1704," and insert "1704".

On page 238, line 14, strike "1703, 1704," and insert "1704,.

On page 238, line 21, strike "1703, 1704," and insert "1704".

On page 239, line 3, strike "1703, 1704," and insert "1704".

On page 240, line 9, strike "1703, 1704," and insert "1704".

On page 243, line 25, strike "1703, 1704," and insert "1704".

On page 249, line 25, strike "$125,000,000 and for the fiscal year 1997 $100,000,000" and insert "$102,700,000 and for the fiscal year 1997 $77,700,000".

On page 250, strike lines 14 and 15.

On page 250, line 16, strike "(3)" and insert "(2)".

On page 250, line 17, strike "(4)" and insert "(3)".

On page 264, beginning on line 25, strike "United States" and all that follows through "Agency," on line 26.

On page 266, strike lines 10 through 12.

On page 266, line 13, strike "(B)" and insert "(A)".

On page 266, line 16, strike "1701(a)(2)" and insert "1701(a)(1)".

On page 266, line 17, strike "(C)" and insert "(B)".

On page 266, line 20, strike "1701(a)(3)" and insert "1701(a)(2)".

On page 266, line 21, strike "(D)" and insert "(C)".

On page 266, line 25, strike "1701(a)(3)" and insert "1701(a)(2)".

On page 267, line 1, strike "(E)" and insert "(D)".

On page 267, line 4, strike "(F)" and insert "(E)".

On page 267, line 8, strike "(G)" and insert "(F)".

On page 267, line 12, strike "(H)" and insert "(G)".

Amend the title so as to read: "A bill to authorize appropriations for the Department of State for fiscal years 1996 through 1999 and to abolish the United States Information Agency and the Agency for International Development, and for other purposes.".

PELL AMENDMENT NO. 1965

(Ordered to lie on the table.)

Mr. PELL submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, add the following:

SEC. . SENSE OF SENATE REGARDING REGIONAL ENVIRONMENTAL TREATIES.

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

(1) In 1978, the Senate adopted Senate Resolution 49, calling on the United States Government to seek the agreement of other government to a proposed global treaty requiring the preparation of Environmental Impact Assessment for any major project, action, or continuing activity that may be reasonably expected to have a significant adverse effect on the physical environment or environmental interests of another nation or a global commons area.

(2) Subsequent to the adoption of Senate Resolution 49 in 1978, the United Nations Environment Programme Governing Council adopted Goals and Principles on Environmental Impact Assessment calling on governments to undertake comprehensive Environmental Impact Assessments in cases in which the extent, nature, or location of a proposed activity is such that the activity is likely to significantly affect the environment.

(3) Principle 17 of the Rio Declaration on Environment and development, adopted at the United Nations Conference on Environment and Development in 1992 states that the Environmental and Impact Assessments as a national instrument shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision on the competent national authority.

(4) On October 7, 1992, the Senate gave its advice and consent to the Protocol on Environmental Protection to the Antarctic Treaty, which obligates parties to the Antarctic Treaty to require Environmental Impact Assessment procedures for proposed activities in Antarctica.

(5) The United States is a signatory to the 1991 United Nations Economic Commission for Europe's Convention on Environmental Impact Assessment in a Transboundary Context, a regional treaty that calls for the use

of Environmental Impact Assessments as necessary tools to minimize the adverse impact of certain activities on the environment, particularly in a transboundary context.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the United States Government should encourage governments of other nations to engage in additional regional treaties, along the lines of the 1991 United Nations Economic Commission for Europe's Convention on Environmental Impact Assessment on a Transboundary Context, regarding specific transboundary activities that have adverse impacts on the environment of other nations or a global commons area; and

(2) such additional regional treaties should ensure that specific transboundary activities are undertaken in environmentally sound ways and under careful controls designed to avoid or minimize any adverse environmental effects, through requirements for Environmental Impact Assessments where appropriate.

PELL (AND KASSEBAUM) AMENDMENT NO. 1966

(Ordered to lie on the table.)

Mr. PELL (for himself and Mrs. KASSEBAUM) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following:

SEC. . PROHIBITION ON U.S. FUNDING OF MINURSO.

(a) FINDINGS.—The Congress finds that—

(1) Morocco and the Popular Front for the Liberation of Saguia el-Hamra and Rio de Oro (Polisario) have been waging war for control of the Western Sahara since 1974;

(2) In 1981, Moroccan King Hassan II called upon the United Nations to sponsor a referendum on the future status of the Western Sahara, in which the Saharan people would vote for independence or for integration with Morocco;

(3) In 1990, the United Nations Security Council adopted Resolution 658, which included the details of a peace settlement approved by Morocco and the Polisario;

(4) In 1991, the United Nations Security Council adopted Resolution 690, which formally established the United Nations Mission for the Referendum in Western Sahara (MINURSO);

(5) The United States has provided financial support to MINURSO as part of its assessed dues for U.N. peacekeeping, and has contributed U.S. troops to the military component of MINURSO;

(6) Since MINURSO was deployed to the region on September 6, 1991, the cease-fire between Morocco and the Polisario has been observed with only minor violations by the parties;

(7) In 1994, the Security Council adopted Resolution 907, leading to the initiation of voter registration for the referendum;

(8) Notwithstanding the successful cessation of hostilities between Morocco and the Polisario and the initiation of voter registration, substantial progress remains to be made before a referendum can be held;

(9) Charges have been raised by former MINURSO officials and by outside observers calling into question free and fair nature of the referendum and suggesting mismanagement and impropriety by MINURSO;

(10) It is in the U.S. interest to promote a timely and equitable resolution of the conflict in the Western Sahara through a free and fair referendum process, or through an alternative settlement to be agreed upon mutually by the parties to the conflict.

(b) PROHIBITION.—None of the funds authorized to be appropriated by this or any other act may be used for contributions to the United Nations Mission for the Referendum in Western Sahara (MINURSO) unless and until the President determines and so certifies to the Congress that—

(a) the funds to be used will promote the timely conclusion of the referendum process or an alternative settlement to be agreed upon mutually by the parties to the conflict;

(b) the United Nations is organizing the referendum in a free and fair manner so as to produce an equitable resolution of the Western Sahara conflict;

(c) charges of impropriety and mismanagement by MINURSO have been investigated and, if found to be of merit, addressed appropriately.

PELL AMENDMENT NO. 1967

(Ordered to lie on the table.)

Mr. PELL submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. . SENSE OF CONGRESS REGARDING PARTICIPATION IN EXPO '98.

(a) FINDINGS.—The Congress finds that—

(1) there was international concern expressed at the Rio Conference of 1992 about conservation of the seas;

(2) 1998 has been declared the "International Year of the Ocean" by the United Nations in an effort to alert the world to the need for improving the physical and cultural assets offered by the world's oceans;

(3) the theme of Expo '98 is "The Oceans, a Heritage for the Future";

(4) Expo '98 has a fundamental aim of alerting political, economic, and public opinion to the growing importance of the world's oceans;

(5) Portugal has established a vast network of relationships through ocean exploration;

(6) Portugal's history is rich with examples of the courage and exploits of Portuguese explorers;

(7) Portugal and the United States have a relationship based on mutual respect, and a sharing of interests and ideals, particularly the deeply held commitment to democratic values;

(8) today over 2,000,000 Americans can trace their ancestry to Portugal; and

(9) the United States and Portugal agreed in the 1995 Agreement on Cooperation and Defense that in 1998 the 2 countries would consider and develop appropriate means of commemorating the upcoming quincentennial anniversary of the historic voyage of discovery by Vasco da Gama.

(b) SENSE OF CONGRESS.—The United States should fully participate in Expo '98 in Lisbon, Portugal, and encourage the private sector to support this worthwhile undertaking.

PELL AMENDMENT NO. 1968

(Ordered to lie on the table.)

Mr. PELL submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 86, at the beginning of line 24, strike all that follows through page 88, line 17, and add the following:

"(6) General Comment No. 24 contradicts not only the Supremacy Clause of the United States Constitution and the constitutional authority of the Senate with respect to the approval of treaties, but also the First Amendment rights of American citizens and the other United States constitutional rights and practices protected by the reservation, understandings, declarations, and proviso contained in the Senate resolution of ratification.

"(b) PRESIDENTIAL ACTIONS.—The President should—

"(1) reject General Comment No. 24, issued by the Human Rights Committee established under the International Covenant on Civil and Political Rights, which bears no validity under international law;

"(2) reaffirm the U.S. commitment to the reservations, understandings, declarations, and provisos to the International Covenant on Civil and Political Rights agreed to by the Senate on April 2, 1992;

"(3) seek the nullification of the General Comment No. 24 by the Human Rights Committee;

"(4) inform, at every appropriate opportunity, the Human Rights Committee of the validity under international law of the reservations, understandings, declarations, and provisos to the International Covenant on Civil and Political Rights agreed to by the Senate."

PELL AMENDMENT NO. 1969

(Ordered to lie on the table.)

Mr. PELL submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following new title:

TITLE ___—NATO PARTICIPATION ACT AMENDMENTS OF 1995

SEC. ___. SHORT TITLE.

This title may be cited as the "NATO Participation Act Amendments of 1995".

SEC. ___. FINDINGS.

The Congress makes the following findings:

(1) Since 1949, the North Atlantic Treaty Organization (NATO) has played an essential role in guaranteeing the security, freedom, and prosperity of the United States and its partners in the Alliance.

(2) NATO has expanded its membership on three different occasions since 1949.

(3) The sustained commitment of the member countries of NATO to mutual defense of their security ultimately made possible the democratic transformation in Central and Eastern Europe and the demise of the Soviet Union.

(4) NATO was designed to be and remains a defensive military organization whose members have never contemplated the use of, or used, military force to expand the borders of its member states.

(5) While the immediate threat to the security of the United States and its allies has been reduced with the collapse of the Iron Curtain, new security threats, such as the situation in Bosnia and Herzegovina, are emerging to the shared interests of the member countries of NATO.

(6) NATO remains the only multilateral security organization capable of conducting effective military operations to protect Western security interests.

(7) NATO has played a positive role in defusing tensions between NATO members and, as a result, no military action has occurred between two NATO member states since the inception of NATO in 1949.

(8) NATO is also an important diplomatic forum for the discussion of issues of concern to its member states and for the peaceful resolution of disputes.

(9) America's security, freedom, and prosperity remain linked to the security of the countries of Europe.

(10) Any threat to the security of the newly emerging democracies in Europe would pose a security threat to the United States and its European allies.

(11) The admission to NATO of European countries that have been freed from Communist domination and that meet specific criteria for NATO membership would contribute to international peace and enhance the security of the region.

(12) A number of countries have expressed varying degrees of interest in NATO membership, and have taken concrete steps to demonstrate this commitment.

(13) Full integration of European countries into the North Atlantic Alliance after such countries meet essential criteria for admission would enhance the security of the Alliance and, thereby, contribute to the security of the United States.

(14) The expansion of NATO can create the stable environment needed to successfully complete the political and economic transformation envisioned by European states emerging from Communist domination.

(15) In recognition that not all countries which have requested membership in NATO will necessarily qualify at the same pace, the accession date for each new member will vary.

(16) The provision of NATO transition assistance should include those countries that meet the eligibility criteria specified under section 203(d) of the NATO Participation Act of 1994 (as amended by this title).

(17) Albania, Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Slovakia, Slovenia, and Ukraine should be given every consideration for inclusion in programs for NATO transition assistance.

(18) The Partnership for Peace will continue to play an important role in strengthening cooperation and interoperability between partner states and NATO allies. Active participation in the Partnership for Peace will help prepare interested states for the rights and responsibilities of NATO membership.

SEC. ___. UNITED STATES POLICY.

It should be the policy of the United States—

(1) to join with the NATO allies of the United States to redefine the role of the NATO Alliance in the post-Cold War world;

(2) to actively assist European countries emerging from Communist domination in their transition so that such countries may eventually qualify for NATO membership;

(3) to work to define the political and security relationship between an evolving NATO and the Russian Federation.

SEC. ___. CONSTRUCTION OF TITLE.

Nothing in this title should be construed as precluding the eventual NATO membership of Partnership for Peace member countries that never were under Communist domination, namely Austria, Finland, and Sweden, should they wish to apply for such membership.

SEC. ___. REVISIONS TO PROGRAM TO FACILITATE TRANSITION TO NATO MEMBERSHIP.

(a) ESTABLISHMENT OF PROGRAM.—Subsection (a) of section 203 of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note) is amended to read as follows:

"(a) ESTABLISHMENT OF PROGRAM.—The President shall establish a program to assist countries designated under subsection (d) to facilitate their transition to full NATO membership.".

(b) ELIGIBLE COUNTRIES.—

(1) ELIGIBILITY.—Subsection (d) of section 203 of such Act is amended to read as follows:

"(d) DESIGNATION OF EUROPEAN COUNTRIES EMERGING FROM COMMUNIST DOMINATION AS ELIGIBLE COUNTRIES.—The President shall designate European countries emerging from Communist domination to receive assistance under the program established under subsection (a). The President may make such a designation in the case of any such country only if the President determines, and reports to the designated congressional committees, that such country—

"(1) has made significant progress toward establishing—

"(A) shared values and interests;

"(B) democratic governments;

"(C) free market economies;

"(D) civilian control of the military, of the police, and of intelligence services;

"(E) adherence to the values, principles, and political commitments embodied in the Helsinki Final Act of the Organization for Security and Cooperation in Europe; and

"(F) more transparent defense budgets and is actively participating in the Partnership For Peace defense planning process;

"(2) has made public commitments—

"(A) to further the principles of NATO and to contribute to the security of the North Atlantic area;

"(B) to accept the obligations, responsibilities, and costs of NATO membership; and

"(C) to implement infrastructure development activities that will facilitate participation in and support for NATO military activities;

"(3) is not eligible for assistance under section 563 of Public Law 103-306, with respect to transfers of equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act.".

"(4) is likely, within 5 years of such determination, to be in a position to further the principles of the North Atlantic Treaty and to contribute to its own security and that of the North Atlantic area.".

(2) CONFORMING AMENDMENTS.—

(A) Subsections (b) and (c) of section 203 of such Act are each amended by striking "countries described in such subsection" and inserting "countries designated under subsection (d)".

(B) Subsection (e) of such section 203 is amended by inserting "(22 U.S.C. 2394)" before the period at the end.

(c) TYPES OF ASSISTANCE.—Section 203(c) of such Act is further amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively; and

(2) by inserting after subparagraph (D) (as redesignated) the following new subparagraphs:

"(E) Assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund).

"(F) Funds appropriated under the 'Nonproliferation and Disarmament Fund' account".

"(G) Assistance appropriated under chapter 6 of part II of the Foreign Assistance Act of 1961 (relating to peacekeeping operations and other programs).".

"(H) Authority for the Department of Defense to pay excess defense article (EDA) PCH&T and costs for countries designated for both grant lethal and non-lethal EDA."

"(I) Authority to convert FMF loans to grants, and vice-versa, for eligible states."

(3) by inserting "(1)" immediately after "TYPE OF ASSISTANCE.—"; and

(4) by adding at the end the following new paragraphs:

"(2) For fiscal years 1996 and 1997, in providing assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 for the countries designated under subsection (d), the President should include as an important component of such assistance the provision of appropriate language training to facilitate participation of military personnel in programs for military training and in defense exchange programs.

"(3) Assistance made available under chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training), not less than $5,000,000 for fiscal year 1996 and not less than $5,000,000 for fiscal year 1997 should be available only for—

"(A) the attendance of additional military personnel of countries eligible under section 203(d) of this Act at professional military education institutions in the United States in accordance with section 544 of such Act; and

"(B) the placement and support of United States instructors and experts at military educational centers within the foreign countries designated under subsection (d) that are receiving assistance under that chapter.".

SEC. ___. TERMINATION OF ELIGIBILITY.

Section 203(f) of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note) is amended to read as follows:

"(f) TERMINATION OF ELIGIBILITY.—(1) The eligibility of a country designated under subsection (d) for the program established in subsection (a) shall terminate 60 days after the President makes a certification under paragraph (2).

"(2) Whenever the President determines that the government of a country designated under subsection (d)—

"(A) no longer meets the criteria set forth in subsection (d)(1);

"(B) is hostile to the NATO alliance; or

"(C) poses a national security threat to the United States,

then the President shall so certify to the appropriate congressional committees.".

(3) Nothing in this Act shall affect the eligibility of countries to participate under other provisions of law in programs described in this Act.

(b) CONGRESSIONAL PRIORITY PROCEDURES.—Section 203 of such Act is further amended by adding at the end the following new subsection:

"(g) CONGRESSIONAL PRIORITY PROCEDURES.—

"(1) APPLICABLE PROCEDURES.—A joint resolution described in paragraph (2) which is introduced in a House of Congress after the date on which a certification made under subsection (f)(2) is received by Congress shall be considered in accordance with the procedures set forth in paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473 (98 Stat. 1936)), except that—

"(A) references to the 'resolution described in paragraph (1)' shall be deemed to be references to the joint resolution; and

"(B) references to the Committee on Appropriations of the House of Representatives

and to the Committee on Appropriations of the Senate shall be deemed to be references to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

"(2) TEXT OF JOINT RESOLUTION.—A joint resolution under this paragraph is a joint resolution the matter after the resolving clause of which is as follows: 'That the Congress disapproves the certification submitted by the President on _____ pursuant to section 203(f) of the NATO Participation Act of 1994.'.".

SEC. ___. REPORTS.

(a) ANNUAL REPORT.—Section 206 of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note), as redesignated by section ___(1) of this title, is amended—

(1) by inserting "annual" in the section heading before the first word;

(2) by inserting "annual" after "include in the" in the matter preceding paragraph (1);

(3) in paragraph (1), by striking "Partnership for Peace" and inserting "European"; and

(4) by striking paragraph (2) and inserting the following new paragraph (2):

"(2) In the event that the President determines that as of January 10, 1999, a country, despite a period of transition assistance under this title—

"(A) has applied for and been rejected for NATO membership on the basis of not having fulfilled the criteria set out by the 1995 NATO expansion study; or

"(B) has not yet applied for NATO membership,

the President shall transmit a classified report to the designated congressional committees containing an assessment of the progress made by that country in meeting criteria for membership in NATO.".

SEC. ___. DEFINITIONS.

The NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note), as amended by this title, is further amended by adding at the end the following new section:

"SEC. 207. DEFINITIONS.

"For purposes of this title:

"(1) NATO.—The term 'NATO' means the North Atlantic Treaty Organization.

"(2) DESIGNATED CONGRESSIONAL COMMITTEES.—The term 'designated congressional committees' means—

"(A) the Committee on International Relations, the Committee on National Security, and the Committee on Appropriations of the House of Representatives; and

"(B) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

"(3) EUROPEAN COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—The term 'European countries emerging from Communist domination' includes, but is not limited to, Albania, Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Slovakia, Slovenia, and Ukraine.".

SARBANES (AND LEAHY) AMENDMENT NO. 1970

(Ordered to lie on the table.)

Mr. SARBANES (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

Beginning on page 210, strike line 4 and all that follows through line 20 on page 215 and insert the following:

TITLE XIV—AGENCY FOR INTERNATIONAL DEVELOPMENT

SEC. 1401. ELIMINATION OF DUPLICATION.

(a) IN GENERAL.—The Secretary of State shall, in consultation with the Administrator of the Agency for International Development, identify and eliminate all duplicative, overlapping, or superfluous personnel, functions, goals, activities, offices, and programs within and between the Department of State and the Agency for International Development.

(b) REPORT.—Not later than March 31, 1996, or 180 days after the date of enactment of this Act, whichever is later, the Secretary of State shall submit a report describing the personnel, functions, goals, activities, offices, and programs identified under subsection (a) to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives, together with proposed legislation if additional statutory authority is required to implement subsection (a). Each report shall also include projected cost savings and personnel reductions to be achieved through implementation of subsection (a).

SEC. 1402. COORDINATION OF PROGRAMS.

(a) INTERNATIONAL COORDINATION AND LEADERSHIP.—The United States shall seek to coordinate its sustainable development programs with other bilateral and multilateral donors, as well as with the private sector, in order to maximize the effectiveness of resources allocated to sustainable development. The United States also should exercise leadership in building the global commitment and cooperation necessary for countries to make significant progress toward the goals adopted at international fora relating to sustainable development.

(b) COORDINATION OF UNITED STATES PROGRAMS AND POLICIES.—The President shall establish a mechanism—

(1) to coordinate, and to eliminate duplication among all United States policies, programs and activities designed to promote sustainable development, including those that are funded or carried out by the United States Agency for International Development, the Department of State, the Department of the Treasury, the Department of Agriculture, the African Development Foundation, the Inter-American Foundation, the Environmental Protection Agency, the Peace Corps, and other involved departments or agencies;

(2) to ensure that United States policies and activities at the international financial institutions and other international organizations engaged in development activities are consistent and complementary with sustainable development; and

(3) to ensure that United States policies, programs and activities designed to promote growth through trade and investment, such as the Overseas Private Investment Corporation, the Trade and Development Agency, and the Export-Import Bank of the United States, are consistent and complementary with those purposes.

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, and not later than March 1 of each year thereafter, the President shall submit to the appropriate congressional committees a report explaining the way in which the responsibilities for programs are delineated and coordinated among the various agencies and departments described under subsection (b), and the way in which duplication and waste will be avoided.

SEC. 1403. REFORM AND STREAMLINING OF GOALS AND PURPOSES.

(a) REPEALS.—The following provisions of the Foreign Assistance Act of 1961 are repealed: Sections 102, 103, 103A, 104 (a)-(e) and (g), 105, 106, 113, 117 (a) and (b), 118, 119, 120, 125, 128, 206, 219, 241, and 281.

(b) SUSTAINABLE DEVELOPMENT PROGRAM.—Section 101 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151) is amended to read as follows:

"SEC. 101. SUSTAINABLE DEVELOPMENT PROGRAMS.

"(a) IN GENERAL.—The promotion of sustainable development at home and abroad is in the long-term interests of the United States. Sustainable development means broad-based economic growth that protects the environment, enhances human capabilities, upholds human rights and democratic values, and improves the quality of life for current generations while preserving that opportunity for future generations.

"(b) PURPOSE.—The ultimate purpose of programs under this chapter is to enable the poorest countries and people of the world to provide for their own economic security without further outside assistance. This purpose is pursued internationally by supporting the self-help efforts of people in developing countries—

"(1) to implement sound policies that increase self-reliance, equity, and productive capacity;

"(2) to invest in developing their human resources; and

"(3) to build effective and accountable indigenous political, economic, and social institutions.

"(c) PROGRAMS.—The President is authorized to provide assistance under this chapter of the following five interrelated types:

"(1) ENCOURAGING BROAD-BASED ECONOMIC GROWTH.—

"(A) RATIONALE.—Broad-based economic growth means equitable and inclusive economic expansion in developing countries. Such growth is in the economic, political, and strategic interests of the United States because it permits countries to progress toward economic self-reliance, improve the living standards of their citizens, reduce the incidence of poverty, promote food security and nutritional well-being, slow population growth, and increase opportunities for mutually beneficial international trade and investment. Broad-based economic growth also improves the prospects for the spread of democracy and political pluralism.

"(B) MEANS.—Broad-based economic growth requires, in addition to sound economic policies—

"(i) a broader role for and access to markets for both women and men through improved policies that protect and advance economic rights for all citizens without regard to gender, race, religion, language or social status, that increase self-reliance in meeting basic needs, and that raise real incomes for poor people;

"(ii) stronger and more accountable public and private institutions at the local and national level, and sound public investments;

"(iii) enhanced food security, including improved access to safe food and adequate nutrition through sustainable improvements in and expansion of local, small-scale, food-based agriculture and post-harvest food preservation;

"(iv) sound debt management, including debt relief as appropriate;

"(v) investments in people's productive capabilities, including measures to upgrade technical and managerial knowledge and skills;

"(vi) measures to ensure that the poor, especially women, have improved access to productive resources (including credit for microenterprise initiatives, technical training and market-related information, affordable and resource-conserving technologies, and land) and that they participate fully in the benefits of growth in employment and income; and

"(vii) sustainable improvements to agriculture, through support for agricultural research, provision of appropriate technology, outreach to farmers, and improvement of marketing, storage and transportation systems.

"(2) PROTECTING THE GLOBAL ENVIRONMENT.—

"(A) RATIONALE.—The economic and social well-being and the security of the United States, indeed the health of United States citizens and of the entire world community, depend critically on the global environment and natural resource base. Consumption patterns, systems of industrial and agricultural production, demographic trends, and the use of natural resources directly affect the sustainability of long-term development and growth and the integrity of the ecosystem. Development that does not take account of its environmental consequences will not be economically sustainable. Improved resource management is a critical element of a balanced pattern of development. Both developed and developing countries share responsibility to present and future generations for the rational and sustainable management of natural resources and for environmental protection. The industrialization and consumption patterns of developed countries often impose heavy environmental costs worldwide. Developing countries, which are the stewards of most of the world's biological diversity, not only suffer disproportionately from the consequences of environmental degradation, but also contribute to that degradation as they struggle to meet the basic needs of their people. Therefore, environmental sustainability cannot be secured without reducing poverty, nor can poverty be eliminated without sustainable management of the natural resource base.

"(B) MEANS.—Protecting the global environment requires addressing the root causes of environmental harm, promoting environmentally-sound patterns of growth and supporting improved management of natural resources. These activities shall include efforts to address urgent global environmental problems, including the loss of biological diversity and global climate change, as well as efforts to address significant environmental problems within countries and regions. Such efforts shall seek to promote sound environmental policies and practices and development that is environmentally, socially and culturally sound over the longer-term, including programs for natural resources conservation, protection of threatened and endangered species, preservation of ecosystems and natural habitats, non-polluting methods of agricultural and industrial production, preparation of environmental impact assessments, improved energy efficiency, better resource management and monitoring, and reduction and safe disposal of wastes.

"(3) SUPPORTING DEMOCRATIC PARTICIPATION.—

"(A) RATIONALE.—It is in the national interest of the United States and in keeping with United States democratic traditions to support democratic aspirations and values, foster the spread of enduring democratic institutions, and encourage universal respect for civil and human rights. The strengthening of civil society and non-governmental institutions, including business associations and labor unions, that encourage broad participation and protect human rights is an essential element of the ability of nations to sustain development efforts.

"(B) MEANS.—Programs to support democratic participation must help to build and strengthen organizations and institutions that foster inclusion in economic and political decision-making at the local and national levels. Such programs shall include those that promote respect for human rights and the rule of law; an expanding role for nongovernmental and citizens' organizations and their capacity to effectively participate in political and economic decision-making and to implement development programs; enhanced citizen access to public information; the ability of all citizens to choose freely their government and to hold that government accountable for its actions; advancement of legal, social, and economic equality for women, workers, and minorities, including the elimination of all forms of violence against women and expanded opportunities for persons with disabilities; and strengthened principles of tolerance among and within religious and ethnic groups.

"(4) STABILIZING WORLD POPULATION AND PROMOTING REPRODUCTIVE HEALTH.—

"(A) RATIONALE.—Many individuals still do not have access to the means to determine the number and spacing of their children. Rapid population growth, among other factors, aggravates poor health, perpetuates poverty, and inhibits saving and investment, particularly investments in people in the form of basic health and education services. Continued rapid growth in world population will undercut sustainable development efforts. Unsustainable population growth is directly tied to degradation of the natural resource base and the environment and contributes to economic stagnation and political instability. The problems associated with rapid population growth are interrelated with economic and social inequities, particularly the low status of women, and patterns of resource consumption. Rapid population growth impedes development and retards progress on global issues of direct concern to the United States.

"(B) MEANS.—The primary means to stabilize population at levels that are consistent with sustainable, broadly-based development and with recognized standards of human rights, are to provide women and men with the means to freely and responsibly choose the number and spacing of their children, and to contribute to improved reproductive health. This calls for a focus on enhanced access to and improved quality of voluntary family planning services and reproductive health care. Such efforts should be complemented by programs carried out in accordance with paragraphs (1) and (5) to improve female education, raise the economic and social status of women, and increase infant and child survival rates.

"(5) DEVELOPING HUMAN RESOURCES.—

"(A) RATIONALE.—Reducing the worst manifestations of poverty through the development of human resource capacity is essential to long-term peace and international stability. Individuals, communities, and nations cannot be fully productive when impaired by disease, illiteracy, and hunger resulting from the neglect of human resources. While broad-based economic growth is necessary for the reduction of the worst manifestations of poverty, such growth cannot be sustained unless all people, and especially women, have the basic assets and capabilities that foster the opportunity for participation in the economic, social and political life of their country.

"(B) MEANS.—To reduce the worst manifestations of poverty, sustainable development programs must develop human resources by securing universal access to adequate food, safe drinking water, basic sanitation, and basic shelter; expanding education to all segments of society, with emphasis on basic education and particular attention to equalizing male and female literacy and schooling; providing equal access to credit; improving the coverage, quality and sustainability of basic health services; preventing the spread of HIV/AIDS and other communicable diseases; reducing substantially undernutrition and malnutrition through expanded nutrition education and food safety measures, promotion of breast-feeding and sound weaning practices, and micronutrient therapies targeted at vitamin and mineral deficiencies; and investing in the well-being of children through improved and expanded immunization programs, oral rehydration to combat diarrheal diseases, education programs aimed at improving child survival and child welfare and promoting child spacing.

"(d) CROSS-CUTTING PRINCIPLES.—Sustainable development programs authorized by this chapter shall be carried out in accordance with the following cross-cutting principles:

"(1) POPULAR PARTICIPATION.—

"(A) IN GENERAL.—The success of sustainable development depends on the participation of targeted communities in the identification, design, implementation, and evaluation of projects, programs, and assistance strategies and overall strategic objectives. To be effective, such participation must incorporate the local-level perspectives of traditionally underserved populations and communities, including women, persons with disabilities, ethnic and religious minorities, indigenous peoples, and the rural and urban poor.

"(B) NONGOVERNMENTAL ORGANIZATIONS.—Incorporation of local perspectives requires effective consultation and coordination with nongovernmental organizations, including private and voluntary organizations, cooperatives and credit unions, labor unions, private sector businesses and trade associations, women's groups, educational institutions, and indigenous local organizations which represent and are knowledgeable about local people. Effective consultation and coordination requires the involvement of such organizations in the formulation of development strategies for specific countries and sectors, the development of procedures and regulations governing the implementation of programs, and the evaluation and monitoring of programs.

"(C) UTILIZATION OF UNITED STATES INSTITUTIONAL CAPABILITIES.—United States institutions such as public and private institutions of science, technology, business, and education can provide a unique contribution to sustainable development programs. Programs undertaken to achieve the sustainable development purposes of this title bring greater mutual benefit by recognizing and taking advantage of: United States capabilities in science and technology; access to education and training in United States colleges, universities, and technical training facilities; private sector entrepreneurial skills; and United States public sector expertise. This may be encouraged through long-term collaboration between public and private institutions of science, technology, business,

and education in the United States and developing countries and emerging democracies.

"(2) ROLE OF WOMEN.—

"(A) IN GENERAL.—Women play central and productive roles throughout the world in the well-being of nations, communities and families. Recognizing women's contributions and incorporating their perspectives, knowledge and experience is critical in developing global strategies for promoting peace, prosperity and democracy.

"(B) EMPOWERMENT OF WOMEN.—To be sustainable, development must foster the economic, political and social empowerment of women. Expanding opportunities for women is essential to reducing poverty, improving health, slowing population growth and environmental degradation, and achieving sustainable development. For this to occur, women must have full and equitable access to productive resources: credit, land, technology, agricultural extension and marketing services, training and other forms of assistance. Increased female education further empowers women by allowing their effective participation in the development process. Therefore, United States sustainable development policies and programs must be designed and implemented to fully integrate women as agents and beneficiaries.

"(3) MANAGING FOR RESULTS.—

"(A) IN GENERAL.—Assistance cannot substitute for a developing country's own efforts to improve the lives of its people, nor can the United States afford to provide assistance which does not yield enduring results in terms of improving the lives of the poor, encouraging a stable and prosperous global order, and contributing to the interests of the people of the United States.

"(B) COUNTRY REQUIREMENTS.—Targeting assistance toward countries that have demonstrated a need for such programs, that will make effective use of such programs, and that have a commitment to achieving the sustainable development purposes described in this title ensures the most effective use of scarce foreign aid resources. Indicators of such countries include the extent to which: there is a high incidence of hunger and poverty, there is an enabling environment in which government economic policies are conducive to accomplishing those sustainable development purposes, government decisionmaking is transparent, government institutions are accountable to the public, an independent and honest judiciary is maintained, local government bodies are democratically elected, and political parties, nongovernmental organizations and the media operate without undue constraints.

"(C) MEASURING RESULTS.—Assistance under this part requires the commitment and progress of countries in moving toward the purpose of sustainable development described in subsection (b), while recognizing the long-term nature of development processes and the difficulty of selecting reliable and meaningful indicators of success. Through the establishment of open and transparent systems to monitor the results of assistance programs the United States will assess the effectiveness of its programs and shift scarce resources from unproductive programs, sectors or countries to those which have demonstrated the commitment and ability to use them effectively.".

(c) EFFECTIVE DATE.—The repeals made by subsection (a) and the amendment made by subsection (b) shall take effect on October 1, 1995.

On page 222, strike lines 3 through 7.

On page 222, strike lines 17 through 23.

On page 224, strike lines 6 through 12.

Beginning on page 232, strike line 16 and all that follows through line 21 on page 236.

Beginning on page 264, line 26, strike ", the United" and all that follows through the period on line 2 of page 265 and insert "and the United States Information Agency.".

On page 266, strike lines 1 through 3.

On page 266, strike lines 17 through 20.

On page 267, strike lines 4 through 7.

On page 26, line 9, insert "and" after "Service;".

On page 26, line 12, strike "; and" and insert a period.

On page 26, strike lines 13 through 15.

On page 26, line 21, insert "and" after "Service;".

On page 26, line 24, strike "; and" and insert a period.

On page 27, strike lines 1 through 3.

On page 105, strike lines 17 through 25.

On page 126, beginning on line 22, strike "the United" and all that follows through "Development" on line 24 and insert "and the United States Information Agency".

SARBANES AMENDMENT NO. 1971

(Ordered to lie on the table.)

Mr. SARBANES submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 29, at the end of line 5 insert the following:

(g) WAIVER AUTHORITY.—(1) Subject to paragraph (2), the President may waive any limitation under subsections (a) through (d) to the extent that such waiver is necessary to carry on the foreign affairs functions of the United States.

(2) Not less than 15 days before the President exercises a waiver under paragraph (1), the appropriate agency head shall notify the Committee on Foreign Relations of the Senate and Committee on International Relations of the House of Representatives. Such notice shall include an explanation of the circumstances and necessity for such waiver.

SARBANES AMENDMENT NO. 1972

(Ordered to lie on the table.)

Mr. SARBANES submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 32, line 16, insert after "separation" the following: "or other appropriate administrative action".

DODD AMENDMENT NO. 1973

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill add the following new section:

SEC. . Sec. 136 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, as amended, is further amended by striking subsection (c)(4) and inserting in lieu thereof:

"(c)(4) American companies may bid on solicitations for Embassy guard forces in dollars, and if successful, such companies may elect to be paid in dollars at their discretion."

DODD (AND LEAHY) AMENDMENT NO. 1974

(Ordered to lie on the table.)

Mr. DODD (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

At the appropriate place in the bill add the following new section:

SEC. . (a) Notwithstanding any other provision of law, no assistance shall be provided to the government of Guatemala pursuant to this Act or any other Act until the President certifies—

(1) That the President of Guatemala and the Guatemalan Armed Forces are fully cooperating with efforts—

(A) By Jennifer Harbury to exhume the body of her husband, Efrain Bamaca Velasquez and to pursue other judicial means for bringing to justice those responsible for the death of Efrain Bamaca Velasquez;

(B) By the family of U.S. citizen Michael Devine, who was murdered in 1990, to bring to justice those responsible for the murder or coverup of the murder; and

(C) By human rights organizations and the Guatemalan Attorney General to investigate and bring to justice those involved in the prominent human rights cases that were enumerated in the April 7, 1995 letter to President Clinton by twelve members of the Senate; and

(2) That the U.S. Representative to the United Nations Human Rights Commission has sought the appointment of a Special United Nations Rappatour for Guatemala, and that the Government of Guatemala has stated publicly that it will fully cooperate with the work of any U.N. appointed Special Rapporteur.

(b) Exceptions. Notwithstanding subsection (a) of this section the President may provide assistance to the United Nations Human Rights verification mission to Guatemala, to nongovernmental human rights organizations working in Guatemala, to nongovernmental organizations working in support of the Guatemalan Peace Process, and for programs in support of primary health care and basic education programs in Guatemala where such programs are delivered through nongovernmental organizations.

DODD AMENDMENT NO. 1975

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 83, beginning on line 20, strike all through line 2 on page 84, and insert in lieu thereof the following:

(1) FINDINGS.—(a) the establishment of an international criminal court with jurisdiction over crimes of an international character would greatly strengthen the international rule of law;

(b) such a court would thereby serve the interests of the United States and the world community.

(2) AUTHORIZATION.—The Secretary of State is authorized to instruct the United States delegation to make every effort to advance this proposal at the United Nations.

DODD AMENDMENT NO. 1976

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 109 line 13, strike all after the word "issued" through the period on line 14, and insert in lieu thereof the following:

"only if the Secretary of Treasury is able to certify to the Congress that the United States Government has sufficient frozen Iraqi assets under its control to ensure that all U.S. claims against Iraq can be fully compensated."

KENNEDY (AND OTHERS) AMENDMENT NO. 1977

Mr. KENNEDY (for himself, Mr. WELLSTONE, and Mr. HARKIN) proposed an amendment to the bill S. 908, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. .

It is the sense of the Senate that:

(1) the current economic recovery has generated record profits for industry, but hourly wages have grown at a below average rate;

(2) the minimum wage has not been raised since April 1, 1991, and has lost more than 10% of its purchasing power since then;

(3) the average minimum wage worker provides 50% of her family's weekly earnings;

(4) nearly two-thirds of minimum wage workers are adults, and 60% are women;

(5) a full-time, year-round worker who is paid the minimum wage earns $8,500 a year, less than a poverty level income for a family of two;

(6) there are 4.7 million Americans who usually work full-time but who are, nevertheless, in poverty, and 4.2 million families live in poverty despite having one or more members in the labor force for at least half the year;

(7) the 30% decline in the value of the minimum wage since 1979 has contributed to Americans' growing income inequality and to the fact that 97% of the growth in household income has accrued to the wealthiest 20%;

(8) legislation to raise the minimum wage to $5.15 an hour was introduced on February 14, 1995, but has not been debated by the Senate; and

(9) the Senate should debate and vote on whether to raise the minimum wage before the end of the first session of the 104th Congress."

BROWN AMENDMENT NO. 1978

(Ordered to lie on the table.)

Mr. BROWN submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

"SEC. .WARM PEACE WITH ISRAEL.

(a) FINDINGS.

(1) the United States Congress approved a free trade agreement with Israel on April 29, 1985;

(2) the free trade agreement with Israel was designed to increase U.S. economic ties with Israel;

(3) the goal of U.S. policy in the Middle East is to achieve a lasting peace that brings economic integration and development in the region;

(4) economic integration and development in the Middle East can only be achieved through a "warm" peace in which diplomats are exchanged, the Arab boycott of Israel has been eliminated, close cooperation between Israel and her neighbors to combat terrorism and international criminal activity has been established, mutual security agreements have been concluded and agreements have been reached that mutually reduce barriers to the free flow of goods, people and ideas;

(5) a "warm" peace in the Middle East between Israel and her neighbors should be based upon trade and expanding economic development;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should:

(1) expand the United States' free trade agreement with Israel to include those countries who sustain a "warm" peace with Israel;

(2) prior to such expansion and yearly thereafter, certify to the Congress that such country or countries have entered into a "warm" peace that includes—

(i) The recognition of Israel and establishment of full diplomatic relations with Israel, including the exchange of ambassadors;

(ii) Eliminating all levels of the Arab boycott of Israel;

(iii) A commitment to a quick response to condemn and punish terrorist acts and those who perpetrate them;

(iv) Working closely with Israel to remove havens for terorists;

(v) Mutual security agreements with Israel;

(vi) Agreements with Israel on reciprocal treatment of criminals;

(vii) Agreements with Israel which ensure the mutual reduction of barriers to the free flow of goods, people and ideas.

(3) Not extend any preferences or trade inducements to a country that is a state-sponsor of terrorism.

BROWN AMENDMENT NO. 1979

(Ordered to lie on the table)

Mr. BROWN submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

SEC. . STATE DEPARTMENT ASSISTANT SECRETARIES

The State Department is hereby authorized sixteen (16) assistant secretaries.

McCAIN AMENDMENT NO. 1980

(Ordered to lie on the table)

Mr. McCAIN submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . It is the Sense of the Senate that the President of the United States should insist on the full compliance of the Russian Federation with the terms of the Treaty on Conventional Armed Forces in Europe and should reject offers by the Russian Federation to renegotiate, or otherwise change the terms of the treaty.

McCAIN AMENDMENT NO. 1981

(Ordered to lie on the table)

Mr. McCAIN submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following new section:

INTERNATIONAL EXECUTIVE SERVICE CORPS

SEC. No agency or department of the federal government authorized under this act to administer foreign assistance may fund any product or activity of the International Executive Services Corps if such project or activity would provide services to an organization that, in the judgment of the administrator of such assistance, is capable of obtaining the same or similar services without such assistance and without significant financial burden to that organization.

McCAIN AMENDMENT NO. 1982

(Ordered to lie on the table)

Mr. McCAIN submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, below line 20, add the following:

SEC. 618. IRAN AND IRAQ ARMS NON-PROLIFERATION.

(a) CLARIFICATION OF POLICY.—Section 1602(a) of the Iran-Iraq Arms Non-Proliferation Act of 1992 (title XVI of Public Law 102-484; 50 U.S.C. 1701 note) is amended by striking out "chemical, biological, nuclear," and inserting in lieu thereof "weapons of mass destruction".

(b) SANCTIONS AGAINST IRAN.—Section 1603 of such Act is amended by striking out "paragraphs (1) through (4)" and inserting in lieu thereof "paragraphs (1) through (8)".

(c) SANCTIONS AGAINST CERTAIN PERSONS.—(1) Subsection (a) of section 1604 of such Act is amended by inserting "to acquire weapons of mass destruction, or the means of their delivery, or" before "to acquire".

(2) Subsection (b) of such section 1604 is amended—

(A) in paragraph (1), by inserting ", and shall provide for the expeditious termination of any current contract for goods or services," after "goods or services";

(B) in paragraph (2), by inserting ", and shall revoke any license issued," after "shall not issue"; and

(C) by adding at the end the following new paragraphs:

"(3) MIGRATION SANCTION.—

"(A) INDIVIDUALS.—The sanctioned person shall be ineligible to receive a visa for entry into the United States and shall be excluded from admission into the United States.

"(B) CORPORATIONS.—In the case of a sanctioned person that is a corporation, partnership, or other form of association, the officers, directors, employees, and agents of the corporation, partnership, or association shall be ineligible to receive a visa for entry into the United States and shall be excluded from admission into the United States.

"(4) FINANCIAL INSTITUTIONS.—The President shall by order prohibit any depository institution that is chartered by, or that has its principal place of business within, a State, the District of Columbia, or the United States from making any loan or providing any credit to the sanctioned person, except for loans or credits for the purpose of purchasing food or other agricultural commodities.

"(5) TRANSITING UNITED STATES TERRITORY.—(A) Notwithstanding any other provision of law (other than a treaty or other international agreement), no sanctioned person, no item which is the product or manufacture of the sanctioned person, and no technology developed by the sanctioned person may transit any territory subject to the jurisdiction of the United States.

"(B) The Secretary of Transportation may provide for such exceptions from this paragraph as the Secretary considers necessary to provide for emergencies in which the safety of an aircraft or a vessel, or its crew or passengers, is threatened.".

(3) Such section 1604 is further amended by adding at the end the following new subsection:

"(c) EXCEPTIONS.—The sanction described in subsection (b)(1) shall not apply in the

case of procurement of defense articles or defense services—

"(1) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy operational military requirements essential to the national security of the United States;

"(2) if the President determines that the person or other entity to which the sanctions would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

"(3) if the President determines that such articles or services are essential to the national security under defense coproduction agreements.".

(d) SANCTIONS AGAINST FOREIGN COUNTRIES.—(1) Subsection (a) of section 1605 of such Act is amended by inserting "to acquire weapons of mass destruction, or the means of their delivery, or" before "to acquire".

(2) Subsection (b) of such section 1605 is amended by adding at the end the following new paragraph:

"(6) ADDITIONAL SANCTIONS.—The sanctions against Iraq specified in paragraphs (1), (3), (4), (6), and (7) of section 586G(a) of the Iraq Sanctions Act of 1990 (50 U.S.C. 1701 note) shall be applied to the same extent and in the same manner with respect to a sanctioned country.".

(3) Such section 1605 is further amended—

(A) in subsection (a)(2), by striking out "the sanction" and inserting in lieu thereof "the sanctions"; and

(B) by striking out subsection (c) and inserting in lieu thereof the following new subsection (c):

"(c) DISCRETIONARY SANCTIONS.—The sanctions referred to in subsection (a)(2) are as follows:

"(1) USE OF AUTHORITIES OF INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the President may exercise, in accordance with the provisions of that Act, the authorities of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to the sanctioned country.

"(B) EXCEPTION.—Subparagraph (A) does not apply with respect to urgent humanitarian assistance.

"(2) PROHIBITION ON VESSELS THAT ENTER PORTS OF SANCTIONED COUNTRIES TO ENGAGE IN TRADE.—

"(A) IN GENERAL.—Beginning on the 10th day after a sanction is imposed under this title against a country, a vessel which enters a port or place in the sanctioned country to engage in the trade of goods or services may not, if the President so requires, within 180 days after departure from such port or place in the sanctioned country, load or unload any freight at any place in the United States.

"(B) DEFINITION.—As used in this paragraph, the term 'vessel' includes every description of water craft or other contrivance used, or capable of being used, as a means of transportation in water, but does not include aircraft.

"(3) PRESIDENTIAL ACTION REGARDING AVIATION.—(A)(i) The President may notify the government of the sanctioned country of his intention to suspend the authority of foreign air carriers owned or controlled by the government of that country to engage in foreign air transportation to or from the United States.

"(ii) The President may direct the Secretary of Transportation to suspend at the earliest possible date the authority of any foreign air carrier owned or controlled, directly or indirectly, by that government to engage in foreign air transportation to or from the United States, notwithstanding any agreement relating to air services.

"(B)(i) The President may direct the Secretary of State to terminate any air service agreement between the United States and the sanctioned country in accordance with the provisions of that agreement.

"(ii) Upon termination of an agreement under this subparagraph, the Secretary of Transportation shall take such steps as may be necessary to revoke at the earliest possible date the right of any foreign air carrier owned, or controlled, directly or indirectly, by the government of that country to engage in foreign air transportation to or from the United States.

"(C) The President shall direct the Secretary of Transportation to provide for such exceptions from this paragraph as the President considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers is threatened.

"(D) For purposes of this paragraph, the terms 'air carrier', 'air transportation', 'aircraft', and 'foreign air carrier' have the meanings given such terms in paragraphs (2), (5), (6), and (21) of section 40102 of title 49, United States Code, respectively.".

(4) Such section 1605 is further amended by adding at the end the following new subsection:

"(d) SANCTION FOR ASSISTING IRAN IN IMPROVING ROCKET OR OTHER WEAPONS CAPABILITY.—The sanction set forth in section 586I(a) of the Iraq Sanctions Act of 1990 (50 U.S.C. 1701 note) against governments that assist Iraq in improving its rocket technology or weapons of mass destruction capability shall be applied to the same extent and in the same manner with respect to governments that so assist Iran.".

(e) TERMINATION OF SANCTIONS AGAINST CERTAIN PERSONS.—Such Act is further amended—

(1) in section 1604(b)—

(A) by striking out "The sanctions" in the matter preceding paragraph (1) and inserting in lieu thereof "Subject to section 1606A, the sanctions"; and

(B) by striking out "For a period of two years, the United States" in paragraphs (1) and (2) and inserting in lieu thereof "The United States";

(2) in section 1605—

(A) by striking out "If" in subsection (a) and inserting in lieu thereof "Subject to section 1606A, if"; and

(B) in subsection (b)—

(i) by striking out ", for a period of one year," in paragraphs (1), (3), and (4);

(ii) by striking out "for a period of one year," in paragraph (2);

(iii) by striking out "during that period" in paragraph (4); and

(iv) by striking out "for a period of one year" in paragraph (5); and

(3) by inserting after section 1606 the following new section:

"SEC. 1606A. TERMINATION OF SANCTIONS.

"Except as otherwise provided in this title, the sanctions imposed pursuant to section 1604(a) or 1605(a) shall cease to apply to a sanctioned person or government 30 days after the President certifies to the Congress that reliable information indicates that the sanctioned person or government, as the case may be, has ceased to violate this title.".

(f) WAIVER.—Section 1606 of such Act is amended by striking out "or 1605(b)" and inserting in lieu thereof "1605(b), or 1605(d)".

(g) RULES AND REGULATIONS.—Such Act is further amended by adding after section 1607 the following new section:

"SEC. 1607A. RULES AND REGULATIONS.

"The President may prescribe such rules and regulations as the President requires to carry out this title.".

(h) DEFINITIONS.—Section 1608 of such Act is amended—

(1) in paragraph (1)—

(A) by inserting "naval vessels with offensive capabilities," after "advanced military aircraft," in subparagraph (A); and

(B) by striking out "or enhance offensive capabilities in destabilizing ways" each place it appears and inserting in lieu thereof ", enhance offensive capabilities in destabilizing ways, or threaten international shipping";

(2) in paragraph (7), by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph (A):

"(A) any assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), other than urgent humanitarian assistance or medicine;"; and

(3) by adding at the end the following:

"(8) The term 'goods or technology' includes any item of the type that is listed on the Nuclear Referral List under section 309(c) of the Nuclear Non-Proliferation Act of 1978, the United States Munitions List (established in section 38 of the Arms Export Control Act), or the MTCR Annex (as defined in section 74(4) of the Arms Export Control Act) or any item that is subject to licensing by the Nuclear Regulatory Commission.

"(9) The term 'United States' includes territories and possessions of the United States and the customs waters of the United States, as defined in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401).

"(10) The term 'weapons of mass destruction' includes nuclear, chemical, and biological weapons.".

(i) TECHNICAL AMENDMENTS.—Such Act is further amended—

(1) in section 1606, by striking out "the Committees on Armed Services and Foreign Affairs of the House of Representatives" and inserting in lieu thereof "the Committees on National Security and International Relations of the House of Representatives "; and

(2) in section 1607, by striking out "the Committees on Armed Services and Foreign Affairs of the House of Representatives" each place it appears in subsections (a) and (b) and inserting in lieu thereof "the Committees on National Security and International Relations of the House of Representatives".

(j) REVISION OF FOREIGN ASSISTANCE ACT OF 1961.—Section 498A(b)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2295a(b)(3)) is amended by inserting "and notwithstanding the compliance of such state with international agreements relating to weapons of mass destruction," before "knowingly transferred" in the matter preceding subparagraph (A).

(k) REVISION OF IRAQ SANCTIONS ACT OF 1990.—Section 586I(a) of the Iraq Sanctions Act of 1990 (50 U.S.C. 1701 note) is amended by striking out "or chemical, biological, or nuclear weapons capability" and inserting in lieu thereof "its chemical, biological, or nuclear weapons capability, or its acquisition of destabilizing numbers and types of advanced conventional weapons".

MCCAIN AMENDMENT NO. 1983

(Ordered to lie on the table.)

Mr. McCAIN submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 91, between lines 4 and 5, insert the following:

SEC. 319. LIMITATION REGARDING ASSISTANCE FOR INTERNATIONAL EXECUTIVE SERVICE CORPS.

No department or agency of the Federal Government administering assistance programs for which appropriations are authorized under this Act may provide financial assistance 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 such assistance, is capable of obtaining the same or similar services without such assistance and without significant financial burden to that organization.

McCAIN AMENDMENT NO. 1984

(Ordered to lie on the table.)

Mr. McCAIN submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following:

SEC. 618. SENSE OF THE SENATE ON RUSSIAN COMPLIANCE WITH THE TREATY ON CONVENTIONAL ARMED FORCES IN EUROPE.

It is the sense of the Senate that the President should insist on the full compliance of the Russian Federation with the terms of the Treaty on Conventional Armed Forces in Europe and should reject offers by the Russian Federation to renegotiate or otherwise change the terms of the treaty.

DOLE AMENDMENT NO. 1985

(Ordered to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . POLICY ON THE EXTENDED SUSPENSION AND TERMINATION OF SANCTIONS AGAINST SERBIA AND MONTENEGRO.

It is the policy of the United States that prior to the termination of the United States sanctions against Serbia and Montenegro or the suspension of sanctions for a period longer than 90 days against Serbia and Montenegro—

(1) The repression of ethnic Albanians must be halted and full civil and human rights must be restored to the people of Kosova, and international human rights observers must be permitted to enter Kosova to monitor the civil and human rights of the majority Albanian population in Kosova.

(2) The elected parliament of Kosova must be permitted to freely assemble and the people of Kosova must be permitted to exercise their right to self-governance and self-determination;

(3) There should be no final settlement with respect to the former Yugoslavia without the full participation of Albanian representatives from Kosova in the negotiations.

(4) The Federal Republic of Yugoslavia (consisting of Serbia and Montenegro) must halt all forms of support, including manpower, arms, fuel, financial subsidies and military material, for separatist Serb militants and their leaders in Bosnia and Herzegovina and Croatia;

(5) The Federal Republic of Yugoslavia must recognize the independent governments and the territorial integrity of the Republics of Bosnia and Herzegovina and Croatia.

SEC. . RESTRICTIONS ON THE TERMINATION OF SANCTIONS AGAINST SERBIA AND MONTENEGRO.

(a) RESTRICTIONS.—No sanction prohibition or requirement under section 1511 of the National Defense Authorization Act for fiscal year 1994 (Public Law 103-160) may cease to be effective unless a certification is made as provided in subsection (b):

(b) CERTIFICATION.—A certification described in this subsection is a certification effective for a period not more than ninety days and provided by the President to Congress of his determination that:

(1) systematic violations of the civil and human rights of the people of Kosova, including institutionalized discrimination and structural repression, have ended;

(2) the elected government of Kosova is exercising its legitimate right to democratic self-government;

(3) monitors from the Organization for Security and Cooperation in Europe, other human rights monitors, and U.S. and international relief officials are free to operate in Kosova, and enjoy the full cooperation and support of local authorities;

(4) the political autonomy of Kosova, as exercised prior to 1981 under the 1974 Constitution of the Socialist Federal Republic of Yugoslavia, has been restored as a first step toward self-determination;

(5) full civil and human rights have been restored to ethnic non-Serbs in Serbia, including the Sandjak and Vojvodina;

(6) the Federal Republic of Yugoslavia has halted aggression against the Republics of Bosnia and Herzegovina and Croatia;

(7) the Federal Republic of Yugoslavia has terminated all forms of support, including manpower, arms, fuel, financial subsidies, and war material, by land or air, for Serbian separatist militants and their leaders in the Republics of Bosnia and Herzegovina and Croatia;

(8) the Federal Republic of Yugoslavia has terminated all forms of support for the control and occupation by Serbian forces of any and all regions within the sovereign territories of the Republics of Bosnia and Herzegovina and Croatia;

(9) the Federal Republic of Yugoslavia has terminated all contacts between its political and military leadership and those of the Serbian separatist militants in the Republic of Bosnia and Herzegovina and the Republic of Croatia;

(10) the Federal Republic of Yugoslavia has extended full respect for the territorial integrity and independence of the Republic of Bosnia and Herzegovina, and the Republic of Croatia, and the former Yugoslav Republic of Macedonia;

(11) the Federal Republic of Yugoslavia has cooperated fully with the United Nations War Crimes Tribunal, including by surrendering all available and requested evidence and those indicated individuals who are residing in the territory of Serbia and Montenegro.

SEC. . TECHNICAL AMENDMENT.

Section 1511 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160) is amended by striking subsection (e) of that section.

SEC. . REPORTING REQUIREMENT.

Not later than 60 days after the date of enactment of this Act, the President of the United States shall prepare and submit to the President Pro Tempore of the Senate and the Speaker of the House a detailed report on—

(1) the systematic human rights violations against the ethnic Albanian majority living in Kosova, to include reports of "ethnic cleansing;"

(2) the nature and extent of the Federal Republic of Yugoslavia's support for Serb militant separatists and their leaders in the Republic of Bosnia and Herzegovina and the Republic of Croatia, to include fuel, financial subsidies, arms, and war material, as well as the means by which these are being provided.

(3) the nature and extent of contacts between the Federal Republic of Yugoslavia's political and military leadership and the leaders of the Serb militant separatists in the Republic of Bosnia and Herzegovina and the Republic of Croatia.

SARBANES AMENDMENTS NOS. 1986–1987

(Ordered to lie on the table.)

Mr. SARBANES submitted two amendments intended to be proposed by him to the bill, S. 908, supra; as follows:

AMENDMENT NO. 1986

Beginning on page 232, strike line 16 and all that follows through line 21 on page 236.

AMENDMENT NO. 1987

On page 222, strike lines 3 through 7.

SARBANES (AND LEAHY) AMENDMENT NO. 1988

(Ordered to lie on the table.)

Mr. SARBANES (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

Beginning on page 210, strike line 4 and all that follows through line 20 on page 215 and insert the following:

TITLE XIV—AGENCY FOR INTERNATIONAL DEVELOPMENT

SEC. 1401. ELIMINATION OF DUPLICATION.

(a) IN GENERAL.—The Secretary of State shall, in consultation with the Administrator of the Agency for International Development, identify and eliminate all duplicative, overlapping, or superfluous personnel, functions, goals, activities, offices, and programs within and between the Department of State and the Agency for International Development.

(b) REPORT.—Not later than March 31, 1996, or 180 days after the date of enactment of this Act, whichever is later, the Secretary of State shall submit a report describing the personnel, functions, goals, activities, offices, and programs identified under subsection (a) to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives, together with proposed legislation if additional statutory authority is required to implement subsection (a). Each report shall also include projected cost savings and personnel reductions to be achieved through implementation of subsection (a).

SEC. 1402. COORDINATION OF PROGRAMS.

(a) INTERNATIONAL COORDINATION AND LEADERSHIP.—The United States shall seek to coordinate its sustainable development programs with other bilateral and multilateral donors, as well as with the private sector, in order to maximize the effectiveness of resources allocated to sustainable development. The United States also should exercise

leadership in building the global commitment and cooperation necessary for countries to make significant progress toward the goals adopted at international fora relating to sustainable development.

(b) COORDINATION OF UNITED STATES PROGRAMS AND POLICIES.—The President shall establish a mechanism—

(1) to coordinate, and to eliminate duplication among, all United States policies, programs and activities designed to promote sustainable development, including those that are funded or carried out by the United States Agency for International Development, the Department of State, the Department of the Treasury, the Department of Agriculture, the African Development Foundation, the Inter-American Foundation, the Environmental Protection Agency, the Peace Corps, and other involved departments or agencies;

(2) to ensure that United States policies and activities at the international financial institutions and other international organizations engaged in development activities are consistent and complementary with sustainable development; and

(3) to ensure that United States policies, programs and activities designed to promote growth through trade and investment, such as the Overseas Private Investment Corporation, the Trade and Development Agency, and the Export-Import Bank of the United States, are consistent and complementary with those purposes.

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, and not later than March 1 of each year thereafter, the President shall submit to the appropriate congressional committees a report explaining the way in which the responsibilities for programs are delineated and coordinated among the various agencies and departments described under subsection (b), and the way in which duplication and waste will be avoided.

SEC. 1403. REFORM AND STREAMLINING OF GOALS AND PURPOSES.

(a) REPEALS.—The following provisions of the Foreign Assistance Act of 1961 are repealed: Sections 102, 103, 103A, 104 (a)–(e) and (g), 105, 106, 113, 117 (a) and (b), 118, 119, 120, 125, 128, 206, 219, 241, and 281.

(b) SUSTAINABLE DEVELOPMENT PROGRAM.—Section 101 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151) is amended to read as follows:

"SEC. 101. SUSTAINABLE DEVELOPMENT PROGRAMS.

"(a) IN GENERAL.—The promotion of sustainable development at home and abroad is in the long-term interests of the United States. Sustainable development means broad-based economic growth that protects the environment, enhances human capabilities, upholds human rights and democratic values, and improves the quality of life for current generations while preserving that opportunity for future generations.

"(b) PURPOSE.—The ultimate purpose of programs under this chapter is to enable the poorest countries and people of the world to provide for their own economic security without further outside assistance. This purpose is pursued internationally by supporting the self-help efforts of people in developing countries—

"(1) to implement sound policies that increase self-reliance, equity, and productive capacity;

"(2) to invest in developing their human resources; and

"(3) to build effective and accountable indigenous political, economic, and social institutions.

"(c) PROGRAMS.—The President is authorized to provide assistance under this chapter of the following five interrelated types:

"(1) ENCOURAGING BROAD-BASED ECONOMIC GROWTH.—

"(A) RATIONALE.—Broad-based economic growth means equitable and inclusive economic expansion in developing countries. Such growth is in the economic, political, and strategic interests of the United States because it permits countries to progress toward economic self-reliance, improve the living standards of their citizens, reduce the incidence of poverty, promote food security and nutritional well-being, slow population growth, and increase opportunities for mutually beneficial international trade and investment. Broad-based economic growth also improves the prospects for the spread of democracy and political pluralism.

"(B) MEANS.—Broad-based economic growth requires, in addition to sound economic policies—

"(i) a broader role for and access to markets for both women and men through improved policies that protect and advance economic rights for all citizens without regard to gender, race, religion, language or social status, that increase self-reliance in meeting basic needs, and that raise real incomes for poor people;

"(ii) stronger and more accountable public and private institutions at the local and national level, and sound public investments;

"(iii) enhanced food security, including improved access to safe food and adequate nutrition through sustainable improvements in and expansion of local, small-scale, food-based agriculture and post-harvest food preservation;

"(iv) sound debt management, including debt relief as appropriate;

"(v) investments in people's productive capabilities, including measures to upgrade technical and managerial knowledge and skills;

"(vi) measures to ensure that the poor, especially women, have improved access to productive resources (including credit for microenterprise initiatives, technical training and market-related information, affordable and resource-conserving technologies, and land) and that they participate fully in the benefits of growth in employment and income; and

"(vii) sustainable improvements to agriculture, through support for agricultural research, provision of appropriate technology, outreach to farmers, and improvement of marketing, storage and transportation systems.

"(2) PROTECTING THE GLOBAL ENVIRONMENT.—

"(A) RATIONALE.—The economic and social well-being and the security of the United States, indeed the health of United States citizens and of the entire world community, depend critically on the global environment and natural resource base. Consumption patterns, systems of industrial and agricultural production, demographic trends, and the use of natural resources directly affect the sustainability of long-term development and growth and the integrity of the ecosystem. Development that does not take account of its environmental consequences will not be economically sustainable. Improved resource management is a critical element of a balanced pattern of development. Both developed and developing countries share responsibility to present and future generations for the rational and sustainable management of natural resources and for environmental protection. The industrialization and consumption patterns of developed countries often impose heavy environmental costs worldwide. Developing countries, which are the stewards of most of the world's biological diversity, not only suffer disproportionately from the consequences of environmental degradation, but also contribute to that degradation as they struggle to meet the basic needs of their people. Therefore, environmental sustainability cannot be secured without reducing poverty, nor can poverty be eliminated without sustainable management of the natural resource base.

"(B) MEANS.—Protecting the global environment requires addressing the root causes of environmental harm, promoting environmentally-sound patterns of growth and supporting improved management of natural resources. These activities shall include efforts to address urgent global environmental problems, including the loss of biological diversity and global climate change, as well as efforts to address significant environmental problems within countries and regions. Such efforts shall seek to promote sound environmental policies and practices and development that is environmentally, socially and culturally sound over the longer-term, including programs for natural resources conservation, protection of threatened and endangered species, preservation of ecosystems and natural habitats, non-polluting methods of agricultural and industrial production, preparation of environmental impact assessments, improved energy efficiency, better resource management and monitoring, and reduction and safe disposal of wastes.

"(3) SUPPORTING DEMOCRATIC PARTICIPATION.—

"(A) RATIONALE.—It is in the national interest of the United States and in keeping with United States democratic traditions to support democratic aspirations and values, foster the spread of enduring democratic institutions, and encourage universal respect for civil and human rights. The strengthening of civil society and non-governmental institutions, including business associations and labor unions, that encourage broad participation and protect human rights is an essential element of the ability of nations to sustain development efforts.

"(B) MEANS.—Programs to support democratic participation must help to build and strengthen organizations and institutions that foster inclusion in economic and political decision-making at the local and national levels. Such programs shall include those that promote respect for human rights and the rule of law; an expanding role for nongovernmental and citizens' organizations and their capacity to effectively participate in political and economic decision-making and to implement development programs; enhanced citizen access to public information; the ability of all citizens to choose freely their government and to hold that government accountable for its actions; advancement of legal, social, and economic equality for women, workers, and minorities, including the elimination of all forms of violence against women and expanded opportunities for persons with disabilities; and strengthened principles of tolerance among and within religious and ethnic groups.

"(4) STABILIZING WORLD POPULATION AND PROMOTING REPRODUCTIVE HEALTH.—

"(A) RATIONALE.—Many individuals still do not have access to the means to determine the number and spacing of their children. Rapid population growth, among other factors, aggravates poor health, perpetuates poverty, and inhibits saving and investment, particularly investments in people in the

form of basic health and education services. Continued rapid growth in world population will undercut sustainable development efforts. Unsustainable population growth is directly tied to degradation of the natural resource base and the environment and contributes to economic stagnation and political instability. The problems associated with rapid population growth are interrelated with economic and social inequities, particularly the low status of women, and patterns of resource consumption. Rapid population growth impedes development and retards progress on global issues of direct concern to the United States.

"(B) MEANS.—The primary means to stabilize population at levels that are consistent with sustainable, broadly-based development and with recognized standards of human rights, are to provide women and men with the means to freely and responsibly choose the number and spacing of their children, and to contribute to improved reproductive health. This calls for a focus on enhanced access to and improved quality of voluntary family planning services and reproductive health care. Such efforts should be complemented by programs carried out in accordance with paragraphs (1) and (5) to improve female education, raise the economic and social status of women, and increase infant and child survival rates.

"(5) DEVELOPING HUMAN RESOURCES.—

"(A) RATIONALE.—Reducing the worst manifestations of poverty through the development of human resource capacity is essential to long-term peace and international stability. Individuals, communities, and nations cannot be fully productive when impaired by disease, illiteracy, and hunger resulting from the neglect of human resources. While broad-based economic growth is necessary for the reduction of the worst manifestations of poverty, such growth cannot be sustained unless all people, and especially women, have the basic assets and capabilities that foster the opportunity for participation in the economic, social and political life of their country.

"(B) MEANS.—To reduce the worst manifestations of poverty, sustainable development programs must develop human resources by securing universal access to adequate food, safe drinking water, basic sanitation, and basic shelter; expanding education to all segments of society, with emphasis on basic education and particular attention to equalizing male and female literacy and schooling; providing equal access to credit; improving the coverage, quality and sustainability of basic health services; preventing the spread of HIV/AIDS and other communicable diseases; reducing substantially undernutrition and malnutrition through expanded nutrition education and food safety measures, promotion of breast-feeding and sound weaning practices, and micronutrient therapies targeted at vitamin and mineral deficiencies; and investing in the well-being of children through improved and expanded immunization programs, oral rehydration to combat diarrheal diseases, education programs aimed at improving child survival and child welfare and promoting child spacing.

"(d) CROSS-CUTTING PRINCIPLES.—Sustainable development programs authorized by this chapter shall be carried out in accordance with the following cross-cutting principles:

"(1) POPULAR PARTICIPATION.—

"(A) IN GENERAL.—The success of sustainable development depends on the participation of targeted communities in the identification, design, implementation, and evaluation of projects, programs, and assistance strategies and overall strategic objectives. To be effective, such participation must incorporate the local-level perspectives of traditionally underserved populations and communities, including women, persons with disabilities, ethnic and religious minorities, indigenous peoples, and the rural and urban poor.

"(B) NONGOVERNMENTAL ORGANIZATIONS.—Incorporation of local perspectives requires effective consultation and coordination with nongovernmental organizations, including private and voluntary organizations, cooperatives and credit unions, labor unions, private sector businesses and trade associations, women's groups, educational institutions, and indigenous local organizations which represent and are knowledgeable about local people. Effective consultation and coordination requires the involvement of such organizations in the formulation of development strategies for specific countries and sectors, the development of procedures and regulations governing the implementation of programs, and the evaluation and monitoring of programs.

"(C) UTILIZATION OF UNITED STATES INSTITUTIONAL CAPABILITIES.—United States institutions such as public and private institutions of science, technology, business, and education can provide a unique contribution to sustainable development programs. Programs undertaken to achieve the sustainable development purposes of this title bring greater mutual benefit by recognizing and taking advantage of: United States capabilities in science and technology; access to education and training in United States colleges, universities, and technical training facilities; private sector entrepreneurial skills; and United States public sector expertise. This may be encouraged through long-term collaboration between public and private institutions of science, technology, business, and education in the United States and developing countries and emerging democracies.

"(2) ROLE OF WOMEN.—

"(A) IN GENERAL.—Women play central and productive roles throughout the world in the well-being of nations, communities and families. Recognizing women's contributions and incorporating their perspectives, knowledge and experience is critical in developing global strategies for promoting peace, prosperity and democracy.

"(B) EMPOWERMENT OF WOMEN.—To be sustainable, development must foster the economic, political and social empowerment of women. Expanding opportunities for women is essential to reducing poverty, improving health, slowing population growth and environmental degradation, and achieving sustainable development. For this to occur, women must have full and equitable access to productive resources: credit, land, technology, agricultural extension and marketing services, training and other forms of assistance. Increased female education further empowers women by allowing their effective participation in the development process. Therefore, United States sustainable development policies and programs must be designed and implemented to fully integrate women as agents and beneficiaries.

"(3) MANAGING FOR RESULTS.—

"(A) IN GENERAL.—Assistance cannot substitute for a developing country's own efforts to improve the lives of its people, nor can the United States afford to provide assistance which does not yield enduring results in terms of improving the lives of the poor, encouraging a stable and prosperous global order, and contributing to the interests of the people of the United States.

"(B) COUNTRY REQUIREMENTS.—Targeting assistance toward countries that have demonstrated a need for such programs, that will make effective use of such programs, and that have a commitment to achieving the sustainable development purposes described in this title ensures the most effective use of scarce foreign aid resources. Indicators of such countries include the extent to which: there is a high incidence of hunger and poverty, there is an enabling environment in which government economic policies are conducive to accomplishing those sustainable development purposes, government decisionmaking is transparent, government institutions are accountable to the public, an independent and honest judiciary is maintained, local government bodies are democratically elected, and political parties, nongovernmental organizations and the media operate without undue constraints.

"(C) MEASURING RESULTS.—Assistance under this part requires the commitment and progress of countries in moving toward the purpose of sustainable development described in subsection (b), while recognizing the long-term nature of development processes and the difficulty of selecting reliable and meaningful indicators of success. Through the establishment of open and transparent systems to monitor the results of assistance programs the United States will assess the effectiveness of its programs and shift scarce resources from unproductive programs, sectors or countries to those which have demonstrated the commitment and ability to use them effectively.".

(c) EFFECTIVE DATE.—The repeals made by subsection (a) and the amendment made by subsection (b) shall take effect on October 1, 1995.

On page 222, strike lines 3 through 7.

On page 222, strike lines 17 through 23.

On page 224, strike lines 6 through 12.

Beginning on page 232, strike line 16 and all that follows through line 21 on page 236.

Beginning on page 264, line 26, strike ", the United" and all that follows through the period on line 2 of page 265 and insert "and the United States Information Agency.".

On page 266, strike lines 1 through 3.

On page 266, strike lines 17 through 20.

On page 267, strike lines 4 through 7.

On page 26, line 9, insert "and" after "Service;".

On page 26, line 12, strike "; and" and insert a period.

On page 26, strike lines 13 through 15.

On page 26, line 21, insert "and" after "Service;".

On page 26, line 24, strike "; and" and insert a period.

On page 27, strike lines 1 through 3.

On page 105, strike lines 17 through 25.

On page 126, beginning on line 22, strike "the United" and all that follows through "Development" on line 24 and insert "and the United States Information Agency".

HELMS AMENDMENT NO. 1989

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 29, insert the following:

SEC. . Report on enforcement of United Nations Sanctions against the Federal Republic of Yugoslavia (consisting of Serbia and Montenegro).

By December 31, 1995 the Secretary of State, in cooperation with the Secretary of

Treasury, shall report to the Committee on Foreign Relations in the Senate and Speaker of the House of Representatives on whether the Governments of Europeans countries receiving assistance pursuant to Title V of the Foreign Assistance Act of 1961 or the Arms Export Control Act are taking all necessary steps to implement effectively United Nations sanctions against the Federal Republic of Yugoslavia (consisting of Serbia and Montenegro).

FEINGOLD AMENDMENT NO. 1990

(Ordered to lie on the table.)

Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place, insert:

SEC. 1. FINDINGS.

The Congress makes the following findings:

(1) The People's Republic of China compromises one-fifth of the world's population, or 1,200,000,000 people, and its policies have a profound effect on the world economy and global security.

(2) The People's Republic of China, is a permanent member of the United Nations Security Council and plays an important role in regional organizations such as the Asia-Pacific Economic Cooperation Forum and the ASEAN Regional Forum.

(3) The People's Republic of China is a nuclear power with the largest standing army in the world, and has been rapidly modernizing and expanding its military capabilities.

(4) The People's Republic of China is currently undergoing a change of leadership which will have dramatic implications for the political and economic future of the Chinese people and for China's relations with the United States.

(5) China's estimated $600,000,000,000 economy has enjoyed unparalleled growth in recent years.

(6) Despite increased economic linkages between the United States and China, bilateral relations have deteriorated significantly because of fundamental policy differences over a variety of important issues.

(7) The People's Republic of China has violated international standards regarding the nonproliferation of weapons of mass destruction.

(8) The Government of the People's Republic of China, a member of the United Nations Security Council, is obligated to respect and uphold the United Nations Charter and Universal Declaration of Human Rights.

(9) According to the State Department Country Report on Human Rights Practices for 1994, there continue to be "widespread and well-documented human rights abuses in China, in violation of the internationally accepted norms . . . (including) arbitrary and lengthy incommunicado detention, torture, and mistreatment of prisoners . . . The regime continued severe restrictions on freedom of speech, press, assembly and association, and tightened control on the exercise of these rights during 1994. Serious human rights abuses persisted in Tibet and other areas populated by ethnic minorities."

(10) The Government of the People's Republic of China continues to detain political prisoners and continues to violate internationally recognized standards of human rights by arbitrary arrests and detention of persons for the nonviolent expression of their political and religious beliefs.

(11) The Government of the People's Republic of China does not ensure the humane treatment of prisoners and does not allow humanitarian and human rights organizations access to prisons.

(12) The Government of the People's Republic of China continues to harass and restrict the activities of accredited journalists and to restrict

(13) In the weeks leading to the 6th anniversary of the June 1989 massacre, a series of petitions were sent to the Chinese Government calling for greater tolerance, democracy, rule of law, and an accounting for the 1989 victims and the Chinese Government responded by detaining dozens of prominent intellectuals and activists.

(14) The unjustified and arbitrary arrest, imprisonment, and initiation of criminal proceedings against Harry Wu, a citizen of the United States, has greatly exacerbated the deterioration in relations between the United States and the People's Republic of China, and all charges against him should be dismissed.

(15) China has failed to release political prisoners with serious medical problems, such as Bao Tong, and on June 25, 1995, revoked "medical parole" for Chen-Ziming reimprisoning him at Beijing No. 2 Prison and Chinese authorities continue to hold Wei Jingsheng incommunicado at an unknown location since his arrest on April 1, 1994.

(16) The Government of the People's Republic of China continues to engage in discriminatory and unfair trade practices, including the exportation of products produced by prison labor, the use of import quotas and other quantitative restrictions on selected products, the unilateral increasing of tariff rates and the imposition of taxes as surcharges on tariffs, the barring of the importation of certain items, the use of licensing and testing requirements to limit imports, and the transshipment of textiles and other items through the falsification of country of origin documentation.

(17) The Government of the People's Republic of China continues to employ the policy and practice of controlling all trade unions and continues to suppress and harass members of the independent labor union movement.

(18) The United States-Hong Kong Policy Act of 1992 states that Congress wishes to see the provisions of the joint declaration implemented, and declares that "the rights of the people of Hong Kong are of great importance to the U.S. Human Rights also serve as a basis for Hong Kong's continued prosperity,". This together with the rule of law and a free press are essential for a successful tradition in 1997.

(19) The United States currently has numerous sanctions on the People's Republic of China with respect to government-to-government assistance, arms sales and other commercial transactions.

(20) It is in the interest of the United States to foster China's continued engagement in the broadest range of international fora and increased respect for human rights, democratic institutions, and the rule of law in China.

SEC. 3. UNITED STATES DIPLOMATIC INITIATIVES.

(a) UNITED STATES OBJECTIVES.—The Congress calls upon the President to undertake intensified diplomatic initiatives to persuade the Government of the People's Republic of China to—

(1) immediately and unconditionally release Harry Wu from detention;

(2) adhere to prevailing international standards regarding the nonproliferation of weapons of mass destruction by, among other things, immediately halting the export of ballistic missile technology and the provision of other weapons of mass destructions assistance, in violation of international standards, to Iran, Pakistan, and other countries of concern;

(3) respect the internationally-recognized human rights of its citizens by, among other things—

(A) permitting freedom of speech, freedom of press, freedom of association, and freedom of religion;

(B) ending arbitrary detention, torture, forced labor, and other mistreatment of prisoners;

(C) releasing all political prisoners, and dismantling the Chinese system of jailing political prisoners (the gulag) and the Chinese forced labor system (the Laogai);

(D) ending coercive birth control practices; and

(E) respecting the legitimate rights of the people of Tibet, ethnic minorities, and ending the crackdown on religious practices;

(4) curtail excessive modernization and expansion of China's military capabilities, and adopt defense transparency measures that will reassure China's neighbors;

(5) end provocative military actions in the South China Sea and elsewhere that threaten China's neighbors, and work with them to resolve disputes in a peaceful manner;

(6) adhere to a rules-based international trade regime in which existing trade agreements are fully implemented and enforced, and equivalent and market access is provided for United States goods and services in China;

(7) comply with the prohibition on all forced labor exports to the United States; and

(8) reduce tensions with Taiwan by means of dialogue and other confidence building measures.

(b) VENUES FOR DIPLOMATIC INITIATIVES.—The diplomatic initiatives taken in accordance with subsection (a) should include actions by the United States—

(1) in the conduct of bilateral relations with China;

(2) in the United Nations and other international organizations;

(3) in the World Bank and other international trade fora; and

(4) in the conduct of bilateral relations with other countries in order to encourage them to support and join with the United States in taking the foregoing actions.

SEC. 4. REPORTING REQUIREMENTS.

The President shall report to Congress within 30 days after the date of enactment of the Act, and no less frequently than every 6 months thereafter, on—

(1) the actions taken by the United States in accordance with section 3 during the preceding 6-month period;

(2) the actions taken with respect to China during the preceding 6-month period by—

(A) the United Nations and other international organizations;

(B) the World Bank and other international financial institutions; and

(C) the World Trade Organization and other international trade fora; and

(3) the progress achieved with respect to each of the United States objectives identified in section 3(a). Such reports may be submitted in classified and unclassified form.

SES. 5. COMMENDATION OF DEMOCRACY MOVEMENT.

The Congress commends the brave men and women who have expressed their concerns to the Government of the People's Republic of China in the form of petitions and commends the democracy movement as a whole for its commitment to the promotion of political, economic, and religious freedom.

SEC. 6. RADIO FREE ASIA.

(a) PLAN FOR RADIO FREE ASIA.—Section 309(c) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6208(c)) is amended to read as follows:

(2) The plan required by paragraph (1) shall be submitted not later than 60 days after the date on which all members of the Board are confirmed.

(b) INITIATION OF BROADCASTING TO CHINA.—Not later than 90 days submission of the plan required in Section 309(c) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6208(c)) U.S. Government broadcasting to China shall be increased above current levels of programming.

FEINGOLD AMENDMENT NO. 1991

(Ordered to lie on the table.)

Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

Amend Title VI to insert the following new section:

SEC. 618. CONDITIONS ON SALE OF F-16 TO INDONESIA.

The sale of F-16 aircraft to the Government of Indonesia is prohibited unless:

(a) Congress authorizes the sale by joint resolution of approval;

(b) the Secretary of State certifies to the appropriate Congressional committee that the aircraft will not be used against civilians in East Timor; and

(c) the Secretary of State has submitted a plan to the appropriate Congressional committees on how the U.S. Government will advocate for significant withdrawals of Indonesian military troops from East Timor.

FEINGOLD (AND HELMS) AMENDMENT NO. 1992

(Ordered to lie on the table.)

Mr. FEINGOLD (for himself and Mr. HELMS) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following: "Notwithstanding any other provision of law, non-discriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China is revoked."

GLENN AMENDMENTS NOS. 1993–1994

(Ordered to lie on the table.)

Mr. GLENN submitted two amendments intended to be proposed by him to the bill, S. 908, supra; as follows:

AMENDMENT NO. 1993

At the appropriate place in the bill, insert the following new section:

SEC. . REPEAL OF TERMINATION OF PROVISIONS OF THE NUCLEAR PROLIFERATION PREVENTION ACT OF 1994.

Part D of the Nuclear Proliferation Prevention Act of 1994 (title VIII of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995; Public Law 103-236; 108 Stat. 507) is repealed.

AMENDMENT NO. 1994

On page 12, between lines 4 and 5, insert the following new subsection:

(d) REIMBURSEMENT OF COLUMBUS, OHIO, FOR EXTRAORDINARY SECURITY EXPENSES.—Of the amounts authorized to be appropriated for "Protection of Foreign Missions and Officials" in subsection (a)(9), $1,500,000 is authorized to be available to reimburse the City of Columbus, Ohio, for the costs associated with the provision by the city of extraordinary security services in connection with the World Summit on Trade Efficiency, held in Columbus in October 1994, in accordance with section 208 of title 3, United States Code. For purposes of making reimbursements under this section, the limitations of section 202(10) of title 3, United States Code, shall not apply.

PRESSLER AMENDMENTS NOS. 1995–1999

(Ordered to lie on the table.)

Mr. PRESSLER submitted five amendments intended to be proposed by him to the bill, S. 908, supra; as follows:

AMENDMENT NO. 1995

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

SEC. . CERTIFICATION REQUIREMENT FOR TRANSFER OF MILITARY EQUIPMENT.

(a) GOVERNMENT-TO-GOVERNMENT SALES.—Section 36(b) of the Arms Export Control Act (22 U.S.C. 2776(b)) is amended—

(1) in paragraph (1), by inserting after the second sentence the following: "Such numbered certifications shall also contain the determination specified in paragraph (6).";

and

(2) by adding at the end the following:

"(6) The determination referred to in the third sentence of paragraph (1) is a determination by the President that the government of the proposed recipient country, in the five years immediately prior to the date of certification, has not—

"(A) engaged in cooperation with any country listed under section 620(f) of the Foreign Assistant Act of 1961, or listed under section 6(j)(1)(A) of the Export Administration Act of 1979, for the purpose of developing any nuclear, biological, chemical weapon or any means of delivery for such a device; or

"(B) engaged in joint military exercises with any country listed under section 6(j)(1)(A) of the Export Administration Act of 1979.".

(b) COMMERCIAL SALES.—Section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)) is amended—

(1) in paragraph (1), by inserting after the first sentence the following: "Such numbered certifications shall also contain the determination specified in paragraph (6).";

and

(2) by adding at the end the following:

"(4) The determination referred to in the third sentence of paragraph (1) is a determination by the President that the government of the proposed recipient country, in the five years immediately prior to the date of certification, has not—

"(A) engaged in cooperation with any country listed under section 620(f) of the Foreign Assistance Act of 1961, or listed under section 6(j)(1)(A) of the Export Administration Act of 1979, for the purpose of developing any nuclear, biological, chemical weapon or any means of delivery for such a device; or

"(B) engaged in joint military exercises with any country listed under section 6(j)(1)(A) of the Export Administration Act of 1979.".

(c) MILITARY EQUIPMENT PREVIOUSLY NOT DELIVERED.—Military equipment purchased by a foreign country before October 1, 1990, but not delivered by the United States Government by virtue of the operation of section 620E(e) of the Foreign Assistant Act of 1961, may not be transferred to that country until the President determines and certifies to the Congress that the government of the country has met the requirements of paragraphs (1) and (2) of section 36(e) of the Arms Export Control Act, as added by this section.

AMENDMENT NO. 1996

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

SEC. . PEACE AND STABILITY IN THE SOUTH CHINA SEA.

(a) FINDINGS.—The Congress finds the following:

(1) The South China Sea is a critically important waterway through which 25 percent of the world's ocean freight and 70 percent of Japan's energy supplies transit.

(2) The South China Sea serves as a crucial sea lane for United States Navy ships moving between the Pacific and Indian Oceans, particularly in time of emergency.

(3) There are a number of competing claims to territory in the South China Sea.

(4) The 1992 Manila Declaration adhered to by the Association of South East Asian Nations, the Socialist Republic of Vietnam, and the People's Republic of China calls for all claimants to territory in the South China Sea to resolve questions of boundaries through peaceful negotiations.

(5) The legislature of the People's Republic of China has declared the entire South China Sea to be Chinese territorial waters.

(6) The armed forces of the People's Republic of China have asserted China's claim to the South China Sea through the kidnapping of citizens of the Republic of the Philippines and the construction of military bases on territory claimed by the Philippines.

(7) These acts of aggression committed by the armed forces of the People's Republic of China against citizens of the Philippines are contrary to both international law and to peace and stability in East Asia.

(b) POLICY DECLARATIONS.—the Congress—

(1) declares the right of free passage through the South China Sea to be vital to the national security interests of the United States, its friends and allies;

(2) declares that any attempt by a non-democratic power to assert, through the use of force or intimidation, its claims to territory in the South China Sea to be a matter of grave concern to the United States;

(3) calls upon the Government of the People's Republic of China to adhere faithfully to its commitment under the Manila declaration of 1992; and

(4) calls upon the President to review the defense needs of democratic countries with claims to territory in the South China Sea.

AMENDMENT NO. 1997

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

SEC. . MARTIN C.M. LEE, Q.C. OF HONG KONG.

(a) Findings.—The Congress finds the following:

(1) Mr. Martin C.M. Lee, Q.C. is a distinguished barrister and a former chairman of the Hong Kong Bar Association.

(c) In 1985 Mr. Lee became the Hong Kong legal community's first representative to the Hong Kong Legislative council.

(3) Mr. Lee is the Chairman of the Democratic Party of Hong Kong.

(4) In Hong Kong's first-ever democratic elections in 1991, Mr. Lee won the most votes of any candidate.

(5) In recognition of his "extraordinary contributions to the causes of human rights,

the rule of law and promotion of access to justice", the American Bar Association has announced that it has chosen Mr. Martin C.M. Lee, Q.C., as the recipient of its 1995 International Human Rights Award.

(b) Commendations.—the Congress—

(1) commends the American Bar Association for its recognition of Mr. Martin C. M. Lee, Q.C. of Hong Kong and its decision to present him with the 1995 ABA International Human Rights Award, and

(2) commends Mr. Martin C.M. Lee, Q.C. of Hong Kong for his tireless devotion to the people of Hong Kong and the cause of human rights for all peoples.

AMENDMENT NO. 1998

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

SEC. . HUMAN RIGHTS IN BURMA.

(a) FINDINGS.—The Congress finds the following:

(1) The United States Department of State has declared that, "Burma is ruled by a highly authoritarian, military regime that has been condemned for its serious human rights abuses."

(2) Among the human rights abuses the Burmese military regime, known as the State Law and Order Restoration Council or SLORC has committed are summary executions, rape, torture, forced labor, politically motivated arrests and detention, and suppression of minority groups.

(3) In democratic elections held on May 27, 1990 the Burmese people voted by an overwhelming majority for the representatives of the National League for Democracy led by Aung San Suu Kyi.

(4) The Burmese military regime vitiated the election, placed Mrs. Suu Kyi under house arrest and jailed thousands of her supporters.

(5) In 1991 Mrs. Suu Kyi was awarded the Nobel Peace Prize.

(6) In the face of a clear determination by the United States Congress to punish the SLORC severely, the Burmese military regime gave Mrs. Suu Kyi her unconditional release on July 10, 1995.

(7) However, the SLORC has still not released thousands of other Burmese supporters of the democracy movement and has not started a dialogue with Mrs. Suu Kyi to restore democratic rule to Burma.

(b) POLICY DECLARATIONS.—The Congress—

(1) declares the restoration of democracy in Burma to be a major foreign policy goal of the United States, and

(2) declares that a failure by the Burmese State Law and Order Council to release all political prisoners and open a dialogue with Aung San Suu Kyi and other Burmese democratic leaders will lead to appropriate sanctions by the United States Congress.

AMENDMENT NO. 1999

At the appropriate place in the bill, insert the following

Findings: The United States Department of State believes Iran was the greatest supporter of state terrorism in 1992, supporting more than 20 terrorist acts, including the bombing of the Israeli Embassy in Buenos Aires that killed 29 people;

The Secretary of State has determined, under the terms of section 6(j)(1)(A) of the Export Administration Act of 1979, that Iran has repeatedly provided support for acts of international terrorism;

Credible information exists indicating that defense industrial trading companies of the People's Republic of China have transferred ballistic missile technology to Iran;

Section 73(f) of the Arms Export Control Act states that when determining whether a foreign person may be subject to United States sanctions for transferring technology listed on the Missile Technology Control Regime Annex, it should be a rebuttable presumption that such technology is designed for use in a missile listed on the MTCR Annex, if the President determines that the final destination of the item is a country the government of which the Secretary of State has determined, for purposes of section 6(j)(1)(A) of the Export Administration Act of 1979, has repeatedly provided support for acts of international terrorism;

In 1994 Congress explicitly created section 73(f) of the Arms Export Control Act in order to target the transfer of ballistic missile technology to terrorist nations;

A ballistic missile race exists on the Indian subcontinent which is a threat to regional peace and stability; and

Credible information exists indicating that defense industrial trading companies of the People's Republic of China have transferred ballistic missile technology to Pakistan: Now, therefore, it is the sense of the Senate that—

(1) it is in the direct national security interest of the United States to prevent the spread of ballistic missiles and related technology to Iran and the Indian subcontinent; and

(2) the President should exercise all legal authority available to him to prevent the spread of ballistic missiles and related technology to Iran and the Indian subcontinent.

HATCH (AND ABRAHAM) AMENDMENT NO. 2000

(Ordered to lie on the table.)

Mr. HATCH (for himself and Mr. ABRAHAM) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

On page 124, after line 20, add the following:

SEC. 618. TERMINATION OF THE UNITED STATES ARMS EMBARGO APPLICABLE TO THE GOVERNMENT OF THE REPUBLIC OF CROATIA.

(a) TERMINATION.—Subject to subsection (b), the President shall terminate the United States arms embargo of the Government of the Republic of Croatia at such time the the United States terminates the United States arms embargo of the Government of Bosnia and Herzegovina.

(b) RESUMPTION.—The President may resume the United States arms embargo of the Government of the Republic of Croatia upon—

(1) determining the Government of the Republic of Croatia is actively interfering with the transhipment of arms deliveries to the Government of Bosnia and Herzegovina, and

(2) reporting in writing to the President pro tempore of the Senate and the Speaker of the House of Representatives that he has determined the Government of the Republic of Croatia is actively interfering with the transhipment of arms deliveries to the Government of Bosnia and Herzegovina, the basis for his determination, and the measures the United States has taken to minimize such interference.

(c) DEFINITIONS.—As used in this section, the terms "United States arms embargo of the Government of the Republic of Croatia," and "United States arms embargo of the Government of Bosnia and Herzegovina" mean the application to the Government of the Republic of Croatia and the Government of Bosnia and Herzegovina, respectively, of the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 FR 33322) under the heading "Suspension of Munitions Export Licenses to Yugoslavia.".

HATCH (AND OTHERS) AMENDMENT NO. 2001

(Ordered to lie on the table.)

Mr. HATCH (for himself, Mr. MOYNIHAN, Mr. JEFFORDS, Mr. PELL, and Mr. HARKIN) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

On page 84, strike lines 23 and 24.

HELMS AMENDMENTS NOS. 2002–2013

(Ordered to lie on the table.)

Mr. HELMS submitted 12 amendments intended to be proposed by him to the bill, S. 908, supra; as follows:

AMENDMENT NO. 2002

Beginning on page 11, strike line 14 and all that follows through line 4 on page 12.

On page 13, strike lines 6 through 12 and insert the following:

SEC. 121. LEASE-PURCHASE OF OVERSEAS PROPERTY.

(a) AUTHORITY FOR LEASE-PURCHASE.—Subject to subsections (b) and (c), the Secretary is authorized to acquire by lease-purchase such properties as are described in subsection (b), if—

(1) the Secretary of State, and

(2) The Director of the Office of Management Budget.

certify and notify the appropriate committees of Congress that the lease-purchase arrangement will result in a net cost savings to the Federal government when compared to a lease, a direct purchase, or direct construction of comparable property.

(b) LOCATIONS AND LIMITATIONS.—The authority granted in subsection (a) may be exercised only—

(1) to acquire appropriate housing for Department of State personnel stationed abroad and for the acquisition of other facilities, in locations in which the United States has a diplomatic mission; and

(2) during fiscal years 1996 through 1999.

(c) AUTHORIZATION OF FUNDING.—Funds for lease-purchase arrangements made pursuant to subsection (a) shall be available from amounts appropriated under the authority of section 111(a)(3) (relating to the Acquisition and Maintenance of Buildings Abroad" account).

AMENDMENT NO. 2003

Beginning on page 18, strike line 1 and all that follows through line 2 on page 21, insert the following:

"SEC. . DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.

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

"(1) The Diplomatic Telecommunications Service Program Office (hereafter in this section referred to as "DTS–PO") has made significant enhancements to upgrade the worldwide DTS network with high speed, high capacity circuitry as well as improvements at United States embassies and consulates to enhance utilization of the network.

"(2) Notwithstanding the improvements that the DTS–PO has made to the DTS network, the current management structure

needs to be strengthened to provide a clearly delineated, accountable management authority for the DTS-PO and the DTS network.

"(b) REPORT REQUIRED.—No later than three months after the date of enactment of this Act, the two agencies providing the greatest funding to DTS-PO shall submit to the appropriate committees of Congress—

"(1) a DTS-PO management plan—

"(A) setting forth the organization, mission and functions of each major element of the DTS-PO; and

"(B) designating an entity at each overseas post, or providing a mechanism for the designation of such an entity, which will be responsible for the day-to-day administration of the DTS-PO operations; and

"(2) a DTS-PO strategic plan containing—

"(A) future customer requirements, validated by the DTS customer organizations;

"(B) a system configuration for the DTS network which will meet the future telecommunications needs of the DTS customer agencies;

"(C) a funding profile to achieve the system configuration for the DTS network;

"(D) a transition strategy to move to the system configuration for the DTS network;

"(E) a reimbursement plan to cover the direct and indirect costs of operating the DTS network; and

"(F) an allocation of funds to cover the costs projected to be incurred by each of the agencies or other entities utilizing DTS to maintain DTS, to upgrade DTS, and to provide for future demands for DTS.

"(c) DEFINITION.—As used in this section, the term "appropriate committees of Congress" means the Select Committee on Intelligence, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate and the Permanent Select Committee on Intelligence, the Committee on International Relations, and the Committee on Appropriations of the House of Representatives."

Beginning on page 47, strike line 18 and all that follows through page 49, line 15, and insert in lieu thereof the following:

"(ii) As used in this subparagraph:

"(I) CONFISCATED.—The term "confiscated" refers to—

"(aa) the nationalization, expropriation, or other seizure of ownership or control of property, on or after January 1, 1956—

"(AA) without the property having been returned or adequate and effective compensation provided or in violation of the law of the place where the property was situated when the confiscation occurred; or

AMENDMENT NO. 2004

Beginning on page 47, strike line 18 and all that follows through page 49, line 15, and insert in lieu thereof the following:

"(ii) As used in this subparagraph:

"(I) CONFISCATED.—The term "confiscated" refers to—

"(aa) the nationalization, expropriation, or other seizure of ownership or control of property, on or after January 1, 1956—

"(AA) without the property having been returned or adequate and effective compensation provided or in violation of the law of the place where the property was situated when the confiscation occurred; or

"(BB) without the claim to the property having been settled pursuant to an international claims settlement agreement or other recognized procedure; or

"(bb) the repudiation of, the default on, or the failure to pay, on or after January 1, 1956—

"(AA) a debt by any enterprise which has been confiscated;

"(BB) a debt which is a charge on property confiscated; or

"(CC) a debt incurred in satisfaction or settlement of a confiscated property claim.

"(II) PROPERTY.—The term "property" means any property, whether real, personal, or mixed, and any present, future, or contingent right or security of other interest therein, including any leasehold interest.

"(III) TRAFFIC.—The term "traffic" means that a person knowingly and intentionally—

"(aa) sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, possesses, obtains control of, manages, uses, or otherwise acquires an interest in confiscated property;

"(bb) engages in a commercial activity using or otherwise benefitting from a confiscated property; or

"(cc) causes, directs, participates in, or profits from, activities of another person described in subclause (aa) or (bb), or otherwise engages in the activities described in subclause (aa) or (bb).

without the authorization of the national of the United States who holds a claim to the property.

AMENDMENT NO. 2005

On page 50, between lines 14 and 15, insert the following new subsection:

"(c) REPORTING REQUIREMENT.—(1) The United States Embassy in each country shall provide to the Secretary of State a report listing those foreign nationals who have confiscated, converted, or trafficked in property the claim to which is held by a United States national and in which the confiscation claim has not been fully resolved.

"(2) Beginning six months after the date of enactment of this Act, and every year thereafter, the Secretary of State shall submit to the appropriate congressional committees a list of those foreign nationals who—

"(A) have confiscated, converted, or trafficked in property the claim to which is held by a United States national and in which the confiscation claim has not been fully resolved; and

"(B) have been excluded from entry into the United States."

On page 58, line 10, insert "and" after "operations;".

On page 58, strike lines 13 through 15.

On page 58, line 8, insert "relevant" after "all;".

On page 59, line 9, strike "was provided, and".

On page 59, beginning on line 19, strike "for" and all that follows through "thereafter," on line 20 and insert "under this Act for each of the fiscal years 1996, 1997, 1998, and 1999".

AMENDMENT NO. 2006

On page 104, between lines 16 and 17, insert the following new sections:

SEC. 420. MANSFIELD FELLOWSHIP PROGRAM REQUIREMENTS.

Section 253(4)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6102(4)(B)) is amended by striking "certain" and inserting the following: ", under criteria established by the Mansfield Center for Pacific Affairs, certain allowances and benefits not to exceed the amount of equivalent".

AMENDMENT NO. 2007

SEC. 421. DISTRIBUTION WITHIN THE UNITED STATES OF THE UNITED STATES INFORMATION AGENCY FILM ENTITLED "THE FRAGILE RING OF LIFE".

Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461-1(a)) and the second sentence of section 501 of the United States Information and Education Act of 1948 (22 U.S.C. 1461), the Director of the United States Information Agency may make available for distribution within the United States the documentary entitled "The Fragile Ring of Life", a film about coral reefs around the world.

AMENDMENT NO. 2008

On page 107, strike lines 3 through 6.

On page 107, line 7, strike "(4)" and insert "(3)"

On page 107, line 11, strike "(5)" and insert "(4)".

On page 107, line 15, strike "(6)" and insert "(5)".

On page 107, line 20, strike "(7)" and insert "(6)".

On page 107, line 22, strike "(8)" and insert "(7)".

On page 112, strike lines 19 through 22.

On page 112, line 23, strike "(7)" and insert "(6)".

On page 118, strike line 1 and all that follows through line 11 on page 121.

AMENDMENT NO. 2009

At the appropriate place, insert:

"SEC. 619. DEFENSE DRAWDOWN FOR JORDAN.

"(a) AUTHORITY.—(1) In addition to the authority provided in section 506(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)), the President may, for purposes of part II of that Act, direct the drawdown for Jordan during fiscal year 1996 of—

"(A) defense articles from the stocks of the Department of Defense;

"(B) defense services from the Department; and

"(C) military education and training.

"(2) The aggregate value of the articles, services, and education and training drawn down under paragraph (1) during fiscal year 1996 may not exceed $100,000,000.

"(b) NOTIFICATION REQUIREMENT.—The President may not exercise the authority in subsection (a) to drawdown articles, services, or education and training unless the President notifies Congress of each such intended exercise in accordance with the procedures for notification of the exercise of special authority set forth in section 652 of the Foreign Assistance Act of 1961 (22 U.S.C. 2411).

"(c) FUNDING LIMITATIONS.—(1)(A) No funds made available for the Department of Defense may be utilized for the purposes of the drawdown of articles, services, and education and training authorized under this section.

"(B) For purposes of this paragraph, funds available to the Department of Defense are any funds derived from or available under budget function 050.

"(2) Funds may not be utilized for the purposes of a drawdown under this section unless funds for such drawdown are specifically made available in an appropriations Act.

AMENDMENT NO. 2010

On page 124, after line 20, insert the following:

SEC. 618. MIDDLE EAST PEACE FACILITATION ACT OF 1995.

(a) SHORT TITLE.—This section may be cited as the "Middle East Peace Facilitation Act of 1995".

(b) FINDINGS.—The Congress finds that—

(1) the Palestine Liberation Organization (in this section referred to as the "PLO") has recognized the State of Israel's right to exist in peace and security; accepted United Nations Security Council Resolutions 242 and 338; committed itself to the peace process and peaceful coexistence with Israel, free

from violence and all other acts which endanger peace and stability; and assumed responsibility over all PLO elements and personnel in order to assure their compliance, prevent violations, and discipline violators;

(2) Israel has recognized the PLO as the representative of the Palestinian people;

(3) Israel and the PLO signed a Declaration of Principles on Interim Self-Government Arrangements (in this section referred to as the "Declaration of Principles") on September 13, 1993, at the White House;

(4) Israel and the PLO signed an Agreement on the Gaza Strip and the Jericho Area (in this section referred to as the "Gaza-Jericho Agreement") on May 4, 1994, which established a Palestinian Authority for the Gaza and Jericho areas;

(5) Israel and the PLO signed an Agreement on Preparatory Transfer of Powers and Responsibilities (in this section referred to as the "Early Empowerment Agreement") on August 29, 1994, which provided for the transfer to the Palestinian Authority of certain powers and responsibilities in the West Bank outside of the Jericho Area;

(6) under the terms of the Declaration of Principles, the Gaza-Jericho Agreement and the Early Empowerment Agreement, the powers and responsibilities of the Palestinian Authority are to be assumed by an elected Palestinian Council with jurisdiction in the West Bank and Gaza Strip in accordance with the Interim Agreement to be concluded between Israel and the PLO;

(7) permanent status negotiations relating to the West Bank and Gaza Strip are scheduled to begin by May 1996;

(8) the Congress has, since the conclusion of the Declaration of Principles and the PLO's renunciation of terrorism, provided authorities to the President to suspend certain statutory restrictions relating to the PLO, subject to Presidential certifications that the PLO has continued to abide by commitments made in and in connection with or resulting from the good faith implementation of, the Declaration of Principles;

(9) the PLO commitments relevant to Presidential certifications have included commitments to renounce and condemn terrorism, to submit to the Palestinian National Council for formal approval the necessary changes to those articles of the Palestinian Covenant which call for Israel's destruction, and to prevent acts of terrorism and hostilities against Israel; and

(10) the President, in exercising the authorities described in paragraph (8), has certified to the Congress on four occasions that the PLO was abiding by its relevant commitments.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that although the PLO has recently shown improvement in its efforts to fulfill its commitments, the PLO must do far more to demonstrate an irrevocable denunciation of terrorism and ensure a peaceful settlement of the Middle East dispute, and in particular the PLO must—

(1) submit to the Palestine National Council for formal approval the necessary changes to those articles of the Palestinian National Covenant which call for Israel's destruction;

(2) make greater efforts to preempt acts of terror, to discipline violators, and to contribute to stemming the violence that has resulted in the deaths of 123 Israeli citizens since the signing of the Declaration of Principles;

(3) prohibit participation in its activities and in the Palestinian Authority and its successors by any groups or individuals which continue to promote and commit acts of terrorism;

(4) cease all anti-Israel rhetoric, which potentially undermines the peace process;

(5) confiscate all unlicensed weapons and restrict the issuance of licenses to those with legitimate need;

(6) transfer any person, and cooperate in transfer proceedings relating to any person, accused by Israel of acts of terrorism; and

(7) respect civil liberties, human rights and democratic norms.

(d) AUTHORITY TO SUSPEND CERTAIN PROVISIONS.—

(1) IN GENERAL.—Subject to paragraph (2), beginning on the date of enactment of this Act and for 18 months thereafter the President may suspend for a period of not more than 6 months at a time any provision of law specified in paragraph (4). Any such suspension shall cease to be effective after 6 months, or at such earlier date as the President may specify.

(2) CONDITIONS.—

(A) CONSULTATIONS.—Prior to each exercise of the authority provided in paragraph (1) or certification pursuant to paragraph (3), the President shall consult with the relevant congressional committees. The President may not exercise that authority to make such certification until 30 days after a written policy justification is submitted to the relevant congressional committees.

(B) PRESIDENTIAL CERTIFICATION.—The President may exercise the authority provided in paragraph (1) only if the President certifies to the relevant congressional committees each time he exercises such authority that—

(i) it is in the national interest of the United States to exercise such authority;

(ii) the PLO continues to comply with all the commitments described in subparagraph (D); and

(iii) funds provided pursuant to the exercise of this authority and the authorities under section 583(a) of Public Law 103-236 and section 3(a) of Public Law 103-125 have been used for the purposes for which they were intended.

(C) REQUIREMENT FOR CONTINUING PLO COMPLIANCE.—

(i) The President shall ensure that PLO performance is continuously monitored, and if the President at any time determines that the PLO has not continued to comply with all the commitments described in subparagraph (D), he shall so notify the appropriate congressional committees. Any suspension under paragraph (1) of a provision of law specified in paragraph (4) shall cease to be effective.

(ii) Beginning six months after the date of enactment of this Act, if the President on the basis of the continuous monitoring of the PLO's performance determines that the PLO is not complying with the requirements described in paragraph (3), he shall so notify the appropriate congressional committees and no assistance shall be provided pursuant to the exercise by the President of the authority provided by paragraph (1) until such time as the President makes the certification provided for in paragraph (3).

(D) PLO COMMITMENTS DESCRIBED.—The commitments referred to in subparagraphs (B) and (C)(i) are the commitments made by the PLO—

(i) in its letter of September 9, 1993, to the Prime Minister of Israel and in its letter of September 9, 1993, to the Foreign Minister of Norway to—

(I) recognize the right of the State of Israel to exist in peace and security;

(II) accept United Nations Security Council Resolutions 242 and 338;

(III) renounce the use of terrorism and other acts of violence;

(IV) assume responsibility over all PLO elements and personnel in order to assure their compliance, prevent violations, and discipline violators;

(V) call upon the Palestinian people in the West Bank and Gaza Strip to take part in the steps leading to the normalization of life, rejecting violence and terrorism, and contributing to peace and stability; and

(VI) submit to the Palestine National Council for formal approval the necessary changes to the Palestinian National Covenant eliminating calls for Israel's destruction; and

(ii) in, and resulting from, the good faith implementation of the Declaration of Principles, including good faith implementation of subsequent agreements with Israel, with particular attention to the objective of preventing terrorism, as reflected in the provisions of the Gaza-Jericho Agreement concerning—

(I) prevention of acts of terrorism and legal measures against terrorists;

(II) abstention from and prevention of incitement, including hostile propaganda;

(III) operation of armed forces other than the Palestinian Police;

(IV) possession, manufacture, sale, acquisition, or importation of weapons;

(V) employment of police who have been convicted of serious crimes or have been found to be actively involved in terrorist activities subsequent to their employment;

(VI) transfers to Israel of individuals suspected of, charged with, or convicted of an offense that falls within Israeli criminal jurisdiction;

(VII) cooperation with the Government of Israel in criminal matters, including cooperation in the conduct of investigations; and

(VIII) exercise of powers and responsibilities under the agreement with due regard to internationally accepted norms and principles of human rights and the rule of law.

(E) POLICY JUSTIFICATION.—As part of the President's written policy justification to be submitted to the relevant congressional committees pursuant to subparagraph (A), the President shall report on—

(i) the manner in which the PLO has complied with the commitments specified in subparagraph (D), including responses to individual acts of terrorism and violence, actions to discipline perpetrators of terror and violence, and actions to preempt acts of terror and violence;

(ii) the extent to which the PLO has fulfilled the requirements specified in paragraph (3);

(iii) actions that the PLO has taken with regard to the Arab League boycott of Israel;

(iv) the status and activities of the PLO office in the United States; and

(v) the status of United States and international assistance efforts in the areas subject to jurisdiction of the Palestinian Authority or its successors.

(3) REQUIREMENT FOR CONTINUED PROVISION OF ASSISTANCE.—Six months after the date of enactment of this Act, no assistance shall be provided pursuant to the exercise by the President of the authority provided by paragraph (1), unless and until the President determines and so certifies to the Congress that—

(A) if the Palestinian Council has been elected and assumed its responsibilities, the Council has, within a reasonable time, effectively disavowed the articles of the Palestine

National Covenant which call for Israel's destruction, unless the necessary changes to the Covenant have already been submitted to the Palestine National Council for formal approval;

(B) the PLO has exercised its authority resolutely to establish the necessary enforcement institution, including laws, police, and a judicial system, for apprehending, prosecuting, convicting, and imprisoning terrorists;

(C) the PLO has limited participation in the Palestinian Authority and its successors to individuals and groups in accordance with the terms that may be agreed with Israel;

(D) the PLO has not provided any financial or material assistance or training to any group, whether or not affiliated with the PLO to carry out actions inconsistent with the Declaration of Principles, particularly acts of terrorism against Israel;

(E) the PLO has cooperated in good faith with Israeli authorities in the preemption of acts of terrorism and in the apprehension and trial of perpetrators of terrorist acts in Israel, territories controlled by Israel, and all areas subject to jurisdiction of the Palestinian Authority and its successors; and

(F) the PLO has exercised its authority resolutely to enact and implement laws requiring the disarming of civilians not specifically licensed to possess or carry weapons.

(4) PROVISIONS THAT MAY BE SUSPENDED.—The provisions that may be suspended under the authority of paragraph (1) are the following:

(A) Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) as it applies with respect to the PLO or entities associated with it.

(B) Section 114 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (22 U.S.C. 287e note) as it applies with respect to the PLO or entities associated with it.

(C) Section 1003 of the Foreign Relations Authorization Act, fiscal years 1988 and 1989 (22 U.S.C. 5202).

(D) Section 37 of the Bretton Woods Agreement Act (22 U.S.C. 286W) as it applies to the granting to the PLO of observer status or other official status at any meeting sponsored by or associated with International Monetary Fund. As used in this subparagraph, the term "other official status" does not include membership in the International Monetary Fund.

(5) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—As used in this subsection, the term "relevant congressional committees" means—

(A) the Committee on International Relations, the Committee on Banking, Finance and Urban Affairs, and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

AMENDMENT NO. 2011

SEC. 1110. PROCEDURES FOR COORDINATION OF GOVERNMENT PERSONNEL AT OVERSEAS POSTS.

(a) AMENDMENT OF THE FOREIGN SERVICE ACT OF 1980.—Section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following:

"(c)(1) In carrying out subsection (b), the head of each department, agency, or other entity of the executive branch of Government shall ensure that, in coordination with the Department of State, the approval of the chief of mission to a foreign country is sought on any proposed change in the size, composition, or mandate of employees of the respective department, agency, or entity (other than employees under the command of a United States area military commander) if the employees are performing duties in that country.

"(2) In seeking the approval of the chief of mission under paragraph (1), the head of a department, agency, or other entity of the executive branch of Government shall comply with the procedures set forth in National Security Decision Directive Number 38, as in effect on June 2, 1982, and the implementing guidelines issued thereunder.

"(d) The Secretary of State, in the sole discretion of the Secretary, may accord diplomatic titles, privileges, and immunities to employees of the executive branch of Government who are performing duties in a foreign country.".

(b) REVIEW OF PROCEDURES FOR COORDINATION.—(1) The President shall conduct a review of the procedures contained in National Security Decision Directive Number 38, as in effect on June 2, 1982, and the practices in implementation of those procedures, to determine whether the procedures and practices have been effective to enhance significantly the coordination among the several departments, agencies, and entities of the executive branch of Government represented in foreign countries.

(2) Not later than 180 days after the date of enactment of this Act, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report containing the findings of the review conducted under paragraph (1), together with any recommendations for legislation as the President may determine to be necessary.

AMENDMENT NO. 2012

Beginning on page 216, strike line 4 and all that follows through line 22 on page 217 and insert the following:

SEC. 1501. SENSE OF CONGRESS REGARDING UNITED NATIONS REFORM.

It is the sense of Congress that—

(1) the 50th anniversary of the United Nations provides an important opportunity for a comprehensive review of the strengths and weaknesses of the United Nations and for the identification and implementation of changes in the United Nations that would improve its ability to discharge effectively the objectives of the United Nations set forth in the United Nations Charter;

(2) the structure of the United Nations system, which has evolved over 50 years, should be subject to a comprehensive review in order to identify the changes to the system that will best serve the interests of the United States and of the international community;

(3) the United States, as the strongest member state of the United Nations, should lead this comprehensive review;

(4) reforms that produce a smaller, more focused, more efficient United Nations with clearly defined missions are in the interest of the United States and of the United Nations;

(5) the United States should develop a unified position in support of reforms at the United Nations that are broadly supported by both the legislative branch and the executive branch;

(6) the need for reform of the United Nations is urgent; and

(7) the failure to develop and implement promptly a strategic reorganization of the United Nations will result in a continued diminution of the relevance of the United Nations to United States foreign policy and to international politics generally.

SEC. 1502. UNITED NATIONS REORGANIZATION PLAN.

(a) REQUIREMENT FOR PLAN.—The President shall submit to Congress, together with the budget submitted pursuant to section 1105 of title 31, United States Code, for fiscal year 1997, a plan recommending a strategic reorganization of the United Nations.

(b) REQUIREMENT RELATING TO DEVELOPMENT.—The President shall develop the plan in consultation with Congress.

(c) PLAN ELEMENTS.—The plan should include the elements described in section 1503 and such other recommendations as may be necessary to achieve the efficient, cost-effective conduct of the responsibilities of the United Nations.

SEC. 1503. CONTENTS OF REORGANIZATION PLAN.

It is the sense of the Congress that the reorganization plan required by section 1502(a) should—

(1) constitute a comprehensive statement of United States policy toward reform of the United Nations;

(2) set forth an agenda to implement the reforms set forth in the plan in a timely manner;

(3) include specific proposals to achieve—

(A) a substantial reduction in the number of agencies within the United Nations system, including proposals to consolidate, abolish, or restructure mechanisms for financing agencies of the United Nations that have a low priority;

(B) the identification and strengthening of the core agencies of the United Nations system that most directly serve the objectives of the United Nations set forth in the United Nations Charter;

(C) the increased cooperation, and the elimination of duplication, among United Nations agencies and programs consistent with the principle of a unitary United Nations;

(D) the consolidation of the United Nations technical cooperation activities between the United Nations Headquarters and the offices of the United Nations in Geneva, Switzerland, including the merger of the technical cooperation functions of the United Nations Development Program (UNDP), the United Nations Population Fund (UNFPA), the United Nations Environmental Program (UNEP), the United Nations Industrial Development Organization (UNIDO), the International Fund for Agricultural Development (IFAD), the United Nations Capital Development Fund (UNCDF), and the United Nations Development Fund for Women (UNIFEM);

(E) the consolidation of the United Nations emergency response mechanism by merging the emergency functions of relevant United Nations agencies, including the United Nations Children's Fund, the World Food Program, and the Office of the United Nations High Commissioner for Refugees;

(F) a substantial reduction in, or elimination of, the cost and number of international conferences sponsored by the United Nations;

(G) a significant strengthening of the administrative and management capabilities of the Secretary General of the United Nations, including a cessation of the practice of reserving top Secretariat posts for citizens of particular countries;

(H) a significant increase in the openness to the public of the budget decision-making procedures of the United Nations; and

(I) the establishment of a truly independent inspector general at the United Nations;

(4) include proposals to coordinate and implement proposals for reform of the United Nations such as those proposals set forth in the communique of the 21st annual summit of the Heads of State and Government of the seven major industrialized nations and the President of the European Commission at Halifax, Nova Scotia, dated June 15–17, 1995; and

(4) include proposals for amendments to the United Nations Charter that would promote the efficiency, focus, and cost-effectiveness of the United Nations and the ability of the United Nations to achieve the objectives of the United Nations set forth in the United Nations Charter.

On page 218, line 15, "$30,000,000,000" and insert "$3,000,000,000".

On page 251, below line 22, add the following:

(g) ADDITIONAL REQUIREMENTS FOR BUDGET PURPOSES.—(1) In addition to any other payments which an agency referred to in subsection (b) is required to make under section 4(a)(1) of the Federal Workforce Restructuring Act of 1994 (Public Law 103–226: 108 Stat. 114: 5 U.S.C. 8331 note), each such agency shall remit to the Office of Personnel Management for deposit in the Treasury to the credit of the Civil Service Retirement and Disability Fund an amount equal to 9 percent of final basic pay of each employee of the agency—

(A) who, on or after the date of the enactment of this Act, retires under section 8336(d)(2) of title 5, United States Code; and

(B) to whom a voluntary separation incentive payment is paid under this section by such agency based on that retirement.

(2) In addition to any other payments which an agency referred to in subsection (b) is required to make under section 4(b)(1) of such Act in fiscal years 1996, 1997, and 1998, each such agency shall remit to the Office of Personnel Management for deposit in the Treasury to the credit of the Civil Service Retirement and Disability Fund an amount equal to 0.5 percent of the basic pay of each employee of the agency who, as March 31 of such fiscal year, is subject to subchapter III of chapter 83 or chapter 84 of title 5, United States Code.

(3) Notwithstanding any other provision of this section, the head of an agency referred to in subsection (b) may not pay voluntary separation incentive payments under this section unless sufficient funds are available in the Foreign Affairs Reorganization Transition Fund to cover the cost of such payments and the amount of the remittances required of the agency under paragraphs (1) and (2).

AMENDMENT NO. 2013

On page 208, strike lines 8 through 11 and insert the following:

SEC. 1327. MIKE MANSFIELD FELLOWSHIPS.

Part C of title II of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6101 et seq.) is amended—

(1) by striking "Director of the United States Information Agency" each place it appears and inserting "Secretary of State"; and

(2) by striking "United States Information Agency" each place it appears and inserting "Department of State".

SMITH AMENDMENT NO. 2014

(Ordered to lie on the table.)

Mr. SMITH submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

Strike section 112 of the bill and insert in lieu thereof the following:

SEC. 112. MIGRATION AND REFUGEE ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) MIGRATION AND REFUGEE ASSISTANCE.—There are authorized to be appropriated for "Migration and Refugee Assistance" for authorized activities, $721,000,000 for the fiscal year 1996, and $721,000,000 for each of the fiscal years 1997, 1998, and 1999.

(2) ALLOCATION OF FUNDS.—Of the funds authorized to be appropriated under paragraph (1)—

(A) not less than $80,000,000 shall be made available in the fiscal year 1996 for assistance for refugees settling in Israel from other countries;

(B) not less than $50,000,000 for each of the fiscal years 1996 and 1997 shall be made available for the Emergency Refugee and Migration Assistance Fund under section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)); and

(C) of the amounts authorized to be appropriated for fiscal year 1996 under paragraph (1), there are authorized to be appropriated such amounts as are necessary for the admission and resettlement, within numerical limitations provided by law for refugee admissions, of persons who—

(i) are or were nationals and residents of Vietnam, Laos, or Cambodia;

(ii) are within a category of aliens referred to in section 599D(b)(2)(C) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167); and

(iii) are or were at any time after January 1, 1989, residents of refugee camps in Hong Kong, Thailand, Indonesia, Malaysia, or the Philippines.

(b) GENERAL LIMITATIONS.—None of the funds authorized to be appropriated by subsection (a) are authorized to be available for any program or activity that provides for, promotes, or assists in the repatriation of any person to Vietnam, Laos, or Cambodia, unless the President has certified that—

(1) all persons described in subsection (a)(2)(C) who were residents of refugee camps as of July 1, 1995, have been offered resettlement outside their countries of nationality;

(2) all nationals of Vietnam, Laos, or Cambodia who were residents of refugee camps as of July 1, 1995, who are not persons described in subsection (a)(2)(C) have, at any time after such date, either had access to a process for the determination of whether they are refugees, or been offered resettlement outside their countries of nationality; and

(3) the process referred to in paragraph (2) is genuinely calculated to determine whether such applicant is a refugee, and that the procedures, standards, and personnel employed in such process ensure that the risk of return to persecution is no greater than in the process available under United States law to persons physically present in the United States.

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

(d) REFUGEE CAMP DEFINED.—For the purposes of this section, the term "refugee camp" means any place in which people who left Vietnam, Cambodia, or Laos are housed or held by a government or international organization, regardless of the designation of such place by such government or organization.

(e) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to require or permit an increase in the number of refugee admissions for fiscal year 1996 from the numerical limitation for refugee admissions for fiscal year 1995.

FEINSTEIN AMENDMENTS NOS. 2015–2016

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted two amendments intended to be proposed by her to the bill, S. 908, supra; as follows:

AMENDMENT NO. 2015

On page 124, after line 20, insert the following new section:

SEC. 618. THE ROLE OF RUSSIA IN ENDING THE WAR IN BOSNIA AND HERZEGOVINA.

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

(1) since 1992, Bosnian Serbs, backed by the Government of the Federal Republic of Yugoslavia, and in particular leaders of the Republic of Serbia, have waged war against the Government of the Republic of Bosnia and Herzegovina;

(2) the Bosnian Serb army has engaged in brutal attacks on Bosnian civilians with backing from the Yugoslav People's Army, with headquarters in Belgrade;

(3) the war in Bosnia and Herzegovina has cost some two hundred thousand lives, created hundreds of thousands of refugees, and threatens the stability of Europe;

(4) the Government of the Russian Federation has significant influence with the Government of the Federal Republic of Yugoslavia, and in particular leaders of the Republic of Serbia, owing to historical, cultural, and economic ties; and

(5) the United States and the Russian Federation have a mutual interest in seeing the war in Bosnia and Herzegovina come to a just and lasting resolution at the earliest possible date.

(b) It is the Sense of Congress that the President should use all diplomatic efforts to urge the Government of the Russian Federation to cooperate with the United States Government in encouraging the Government of the Federal Republic of Yugoslavia, and in particular leaders of the Republic of Serbia, to help end the war in Bosnia and Herzegovina.

AMENDMENT NO. 2016

On page 52, beginning on line 4, strike "SEC. 171." and all that follows through the period on page 53, line 13.

FEINSTEIN (AND BROWN) AMENDMENT NO. 2017

(Ordered to lie on the table.)

Mrs. FEINSTEIN (for herself and Mr. BROWN) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. 618. SENSE OF CONGRESS SUPPORTING THE MIDDLE EAST PEACE PROCESS.

(a) FINDINGS.—The Congress finds that—

(1) the Bush Administration and the Clinton Administration have both worked relentlessly to build on the Middle East peace process that began in Madrid in October 1991, with the goal of achieving a comprehensive, lasting peace between Israel and all its neighbors;

(2) on September 13, 1993, the first major breakthrough of the Madrid peace process was achieved when Israel and the Palestinians signed the Declaration of Principles on Interim Self-Government Arrangements;

(3) the United States pledged to support the Israeli-Palestinian Declaration of Principles by providing $500,000,000 of assistance over 5 years to the West Bank and Gaza;

(4) the May 4, 1994 Cairo Agreement between Israel and the Palestinians resulted in the withdrawal of the Israeli army from the Gaza Strip and the Jericho area and the establishment of a Palestinian Authority with responsibility for those areas;

(5) Israel and the Palestinian Authority are continuing negotiations on the redeployment of Israeli troops out of Arab population centers in the West Bank, the expansion of the Palestinian Authority's jurisdiction into the areas vacated by the Israeli army, and the convening of elections for a Palestinian council;

(6) the issue of security and preventing acts of terrorism is and must remain of paramount importance in the Israeli-Palestinian negotiations;

(7) on October 25, 1994, Israel and Jordan signed a full peace treaty, establishing full diplomatic relations and pledging to resolve all future disputes by peaceful means;

(8) the Israeli-Jordanian peace treaty has resulted in unprecedented cooperation between the two nations in security, economic development, the environment, and other areas;

(9) Israel and Syria have engaged in serious and increasingly substantive peace negotiations, including discussions between their leading military officers on the security arrangements that would accompany a peace treaty;

(10) Israel now enjoys low-level diplomatic relations with Morocco and Tunisia, and Israeli officials have conducted face-to-face discussions with senior officials from Qatar, Oman, and Bahrain;

(11) the six nations of the Gulf Cooperation Council have announced their decision to end all enforcement of the secondary and tertiary boycotts of Israel; and

(12) extremists opposed to the Middle East peace process continue to use terrorism to undermine the chances of achieving a comprehensive peace, including on July 24, 1995, when a suicide bomber blew up a bus in Tel Aviv, killing five Israeli civilians.

(b) SENSE OF CONGRESS.—The Congress—

(1) welcomes the progress made toward peace between Israel and its neighbors;

(2) commends those Middle Eastern leaders who have committed to resolve their differences through only peaceful means;

(3) reiterates its belief that a comprehensive, lasting peace between Israel and all its neighbors is in the national interest of the United States;

(4) encourages all participants in the Middle East peace process to continue working to achieve lasting peace agreements while adhering fully to all commitments made and agreements reached thus far;

(5) calls upon all Arab states to demonstrate their commitment to peace by completely dismantling the Arab boycott of Israel in its primary, secondary, and tertiary aspects;

(6) reiterates its consistent condemnation of all acts of terrorism aimed at undermining the Middle East peace process, and calls upon all parties to take all necessary steps to prevent such acts; and

(7) strongly supports the Middle East peace process and seeks to effect policies that will help the peace process reach a successful conclusion.

HATFIELD AMENDMENT NO. 2018

(Ordered to lie on the table.)

Mr. HATFIELD submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. . SENSE OF CONGRESS WITH RESPECT TO INDOCHINESE REFUGEES.

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

(1) A substantial but undetermined number of asylum seekers who have escaped from Vietnam, Laos, and Cambodia, and who are now detained in refugee camps throughout Asia, have had their refugee claims rejected because of corruption, hostility to asylum seekers, or other defects in refugee screening processes.

(2) Others have had their claims rejected because the standard which was applied did not recognize persecution on account of close association with the United States war effort as sufficient to establish refugee status.

(b) SENSE OF CONGRESS.—It is the sense of Congress, as follows:

(1) United States tax dollars should not support any program or activity that involves involuntary repatriation to Vietnam, Laos, or Cambodia of persons who fought on the side of the United States or who were otherwise closely identified with the United States war effort, victims of religious persecution, or other persons who are refugees under United States law.

(2) Within numerical limitations provided by law, refugees described in paragraph (1) should be permitted to resettle in the United States and in other free countries.

(3) To the extent necessary to ensure that genuine refugees are not involuntarily repatriated to Vietnam, Laos, or Cambodia, persons now detained in refugee camps should be offered access to rescreening under a process genuinely calculated to determine whether they are refugees. The procedures, standards, and personnel employed in such a process should be such as to ensure that the risk of return to persecution is no greater than in the process available under United States law to determine the asylum claims of persons physically present in the United States. It would be preferable to conduct such rescreening in the countries in which the asylum seekers are currently detained. If this should prove impossible, rescreening should be offered to asylum seekers immediately upon their voluntary repatriation to their countries of nationality, if their safety can be ensured during the process of rescreening and resettlement.

(c) DEFINITION.—As used in this section, the term "involuntary repatriation" includes return because of force, threat of force, duress, or any other means calculated or likely to effect such return without genuine regard for the wishes of the person returned.

THE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1996

FRIST (AND THOMPSON) AMENDMENTS NOS. 2019–2024

(Ordered to lie on the table.)

Mr. FRIST (for himself and Mr. THOMPSON) submitted six amendments intended to be proposed by them to the bill (H.R. 1905) making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes; as follows:

AMENDMENT NO. 2019

On page 20, line 23, before the colon insert "*Provided*, That of this amount, no funds shall be available for construction of the Tokamak Physics Experiment, number 94–E–200, until a fair and impartial competitive site selection process has been completed by the Department of Energy.".

AMENDMENT NO. 2020

On page 20, line 23, before the colon insert "*Provided*, That of this amount, no funds shall be available for construction of the Elise project, number 96–E–310, until a fair and impartial competitive site selection process has been completed by the Department of Energy.".

AMENDMENT NO. 2021

On page 25, line 17, before the period insert "*Provided*, That of this amount, no funds shall be available for construction of the National Ignition Facility, project number 96–D–111, until a fair and impartial competitive site selection process has been completed by the Department of Energy.".

AMENDMENT NO. 2022

On page 25, line 17, before the period insert "*Provided*, That of this amount, no funds shall be available for construction of the ATLAS project, number 96–D–103, until a fair and impartial competitive site selection process has been completed by the Department of Energy.".

AMENDMENT NO. 2023

On page 25, line 17, before the period insert "*Provided*, That of this amount, no funds shall be available for construction of the Process and Environmental Technology Laboratory, project number 96–D–104, until a fair and impartial competitive site selection process has been completed by the Department of Energy.".

AMENDMENT NO. 2024

On page 20, line 23, before the colon insert "*Provided*, That of this amount, no funds shall be available for construction of the Center for Biomedical Technology Innovation until a fair and impartial competitive site selection process has been completed by the Department of Energy.".

THE FOREIGN RELATIONS REVITALIZATION ACT OF 1995

DOLE (AND OTHERS) AMENDMENT NO. 2025

Mr. DOLE (for himself, Ms. SNOWE, Mr. LOTT, Mr. HELMS, and Mr. D'AMATO) proposed an amendment to the bill S. 908, supra; as follows:

On page 81, line 3, add the following:

(c) FURTHER CONDITIONAL AUTHORITY.—

(1) Of the funds authorized to be appropriated for Fiscal year 1996, in (a), $3,500,000 shall be withheld from obligation until the Secretary of State certifies to the appropriate congressional committees, with respect to theUnited Nations Fourth World

Conference on Women being held in Beijing, that no funds available to the Department of State were obligated or expended for United States participation in the United Nations Fourth World Conference on Women while Harry Wu, a United States citizen, was detained by the People's Republic of China.

(2) If the Secretary of State cannot make the certification in Section 301(c)(1), the withheld funds shall be returned to the U.S. Treasury.

HELMS AMENDMENT NO. 2026

Mr. HELMS proposed an amendment to amendment No. 2025 proposed by Mr. DOLE to the bill S. 908, supra; as follows:

At the end of the pending amendment, add the following:

SEC. . UNITED NATIONS DIPLOMATIC DEBTS.

Of the funds authorized to be appropriated for fiscal year 1996 in section 201 and section 301, not less than $20,000,000 shall be withheld from obligation until the Secretary of State reports to the Congress—

(1) the names of diplomatic personnel accredited to the United Nations or foreign missions to the United Nations, which have accrued overdue debts to businesses and individuals in the United States; and

(2) that the United Nations Secretary General is cooperating fully with the United States or taking effective steps on his own, including publishing the names of debtors, to resolve overdue debts owned by diplomats and missions accredited to the United Nations.

THE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1996

BINGAMAN AMENDMENTS NOS. 2027–2028

(Ordered to lie on the table.)

Mr. BINGAMAN submitted two amendments intended to be proposed by him to the bill (H.R. 1905) making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes; as follows:

AMENDMENT NO. 2027

On line 17, line 2, before the period insert "*Provided further*, That none of the funds appropriated under this heading shall be made available for the construction of the Animas-La Plata project, Colorado and New Mexico, until the Secretary of the Interior reports to Congress regarding the feasibility of the Animas-La Plata project and completes a study and reports to Congress regarding feasible alternatives that may be available to fulfill the water rights of affected Indian tribes and the reasonably foreseeable water needs of communities in southwestern Colorado and northwestern New Mexico (including the feasibility of assigning water rights held in trust by the Secretary for New Mexico beneficiaries to appropriate New Mexico entities for their own use and development)".

AMENDMENT NO. 2028

At the appropriate place, insert the following:

SEC. . ENERGY SAVINGS AT FEDERAL FACILITIES.

(a) REDUCTION IN FACILITIES ENERGY COSTS.—The head of each agency for which funds are made available under this Act shall take all actions necessary to achieve during fiscal year 1996 a 5 percent reduction, from fiscal year 1995 levels, in the energy costs of the facilities used by the agency.

(b) USE OF COST SAVINGS.—An amount equal to the amount of cost savings realized by an agency under subsection (a) shall remain available for obligation through the end of fiscal year 1997, without further authorization or appropriation, as follows:

(1) CONSERVATION MEASURES.—Fifty percent of the amount shall remain available for the implementation of additional energy conservation measures and for water conservation measures at such facilities used by the agency as are designated by the head of the agency.

(2) OTHER PURPOSES.—Fifty percent of the amount shall remain available for use by the agency for such purposes as are designated by the head of the agency, consistent with applicable law.

(1) IN GENERAL.—Not later than December 31, 1996, the head of each agency described in subsection (a) shall submit a report to Congress specifying the results of the actions taken under subsection (a) and providing any recommendations as to how to further reduce energy costs and energy consumption in the future.

(2) CONTENTS.—Each report shall—

(A) specify the total energy costs of the facilities used by the agency;

(B) identify the reductions achieved; and

(C) specify the actions that resulted in the reductions.

THE FOREIGN RELATIONS REVITALIZATION ACT OF 1995

NICKLES (AND KASSEBAUM) AMENDMENT NO. 2029

Mr. NICKLES (for himself and Mrs. KASSEBAUM) proposed an amendment to amendment No. 1977 proposed by Mr. KENNEDY to the bill S. 908, supra; as follows:

Strike all after the word "that" and insert in lieu thereof the following: "that the Senate should debate and vote on comprehensive welfare reform before the end of the first session of the 104th Congress."

KERRY AMENDMENT NO. 2030

Mr. KERRY proposed an amendment to amendment No. 1977 proposed by Mr. KENNEDY to the bill S. 908, supra; as follows:

"SEC. .

It is the sense of the Senate that:

(1) the current economic recovery has generated record profits for industry, but hourly wages have grown at a below average rate;

(2) the minimum wage has not been raised since April 1, 1991, and has lost more than 10% of its purchasing power since then;

(3) the average minimum wage worker provides 50% of her family's weekly earnings;

(4) nearly two-thirds of minimum wage workers are adults, and 60% are women;

(5) a full-time, year-round worker who is paid the minimum wage earns $8,500 a year, less than a poverty level income for a family of two;

(6) there are 4.7 million Americans who usually work full-time but who are, nevertheless, in poverty, and 4.2 million families live in poverty despite having one or more members in the labor force for at least half the year;

(7) the 30% decline in the value of the minimum wage since 1979 has contributed to Americans' growing income inequality and to the fact that 97% of the growth in household income has accrued to the wealthiest 20%;

(8) legislation to raise the minimum wage to $5.15 an hour was introduced on February 14, 1995, but has not been debated by the Senate; and

(9) the Senate should debate and vote on whether to raise the minimum wage before the end of the first session of the 104th Congress."

HELMS AMENDMENT NO. 2031

Mr. HELMS proposed an amendment to the bill S. 908, supra; as follows:

At the end of the bill, add the following new division:

DIVISION C—FOREIGN AID REDUCTION

SEC. 2001. SHORT TITLE.

This division may be cited as the "Foreign Aid Reduction Act of 1995".

TITLE XXI—DEFENSE AND SECURITY ASSISTANCE

CHAPTER 1—FOREIGN MILITARY FINANCING PROGRAM

SEC. 2101. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763) and for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans under such section—

(1) $3,185,000,000 for fiscal year 1996; and

(2) $3,160,000,000 for fiscal year 1997.

SEC. 2102. LOANS FOR GREECE AND TURKEY.

Of the amounts made available for fiscal years 1996 and 1997 under section 23 of the Arms Export Control Act (22 U.S.C. 2763)—

(1) $26,620,000 shall be made available for fiscal year 1996, and up to $26,620,000 may be made available for fiscal year 1997, for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans for Greece; and

(2) $37,800,000 shall be made available for fiscal year 1996, and up to $37,800,000 may be made available for fiscal year 1997, for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans for Turkey.

CHAPTER 2—INTERNATIONAL MILITARY EDUCATION AND TRAINING

SEC. 2121. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $39,781,000 for each of the fiscal years 1996 and 1997 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.).

CHAPTER 3—ANTITERRORISM ASSISTANCE

SEC. 2131. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $15,000,000 for fiscal year 1996 and $15,000,000 for fiscal year 1997 to carry out chapter 8 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa et seq.).

(b) AVAILABILITY OF AMOUNTS.—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

CHAPTER 4—NARCOTICS CONTROL ASSISTANCE

SEC. 2141. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $213,000,000 for each of the

fiscal years 1996 and 1997 to carry out chapter 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 et seq.).

(b) AVAILABILITY OF AMOUNTS.—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

CHAPTER 5—PEACEKEEPING OPERATIONS

SEC. 2151. PEACEKEEPING OPERATIONS.

Section 552(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2348a(a)) is amended to read as follows:

"(a) There are authorized to be appropriated to the President to carry out the purposes of this chapter, in addition to amounts otherwise available for such purposes, $40,000,000 for fiscal year 1996 and $35,000,000 for fiscal year 1997.".

TITLE XXII—TRADE AND EXPORT DEVELOPMENT

SEC. 2201. TRADE AND DEVELOPMENT AGENCY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 661(f)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2421(f)(1)) is amended to read as follows: "There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $67,000,000 for fiscal year 1996 and $75,000,000 for fiscal year 1997.".

(b) AVAILABILITY OF APPROPRIATIONS.—Section 661(f) of such Act (22 U.S.C. 2421(f)) is amended by striking paragraph (2) and inserting the following:

"(2) AVAILABILITY OF APPROPRIATIONS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.".

TITLE XXIII—PRIVATE SECTOR, ECONOMIC, AND DEVELOPMENT ASSISTANCE

CHAPTER 1—PRIVATE SECTOR ENTERPRISE FUNDS

SEC. 2301. SUPPORT FOR PRIVATE SECTOR ENTERPRISE FUNDS.

Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by inserting after section 601 (22 U.S.C. 2351) the following new section:

"SEC. 601A. PRIVATE SECTOR ENTERPRISE FUNDS.

"(a) AUTHORITY.—(1) The President may provide funds and support to Enterprise Funds designated in accordance with subsection (b) that are or have been established for the purposes of promoting—

"(A) development of the private sectors of eligible countries, including small businesses, the agricultural sector, and joint ventures with United States and host country participants; and

"(B) policies and practices conducive to private sector development in eligible countries;

on the same basis as funds and support may be provided with respect to Enterprise Funds for Poland and Hungary under the Support for East European Democracy (SEED) Act of 1989.

"(2) Funds may be made available under this section notwithstanding any other provision of law.

"(b) COUNTRIES ELIGIBLE FOR ENTERPRISE FUNDS.—(1) Except as provided in paragraph (2), the President is authorized to designate a private, nonprofit organization as eligible to receive funds and support pursuant to this section with respect to any country eligible to receive assistance under part I of this Act in the same manner and with the same limitations as set forth in section 201(d) of the Support for East European Democracy (SEED) Act of 1989.

"(2)(A) Except as provided in subparagraph (B), the authority of paragraph (1) shall not apply to any country with respect to which the President is authorized to designate an enterprise fund under section 498B(c) of this Act or section 201 of the Support for East European Democracy (SEED) Act of 1989.

"(B) The prohibition of subparagraph (A) shall not apply to the Trans-Caucasus Enterprise Fund established under subsection (c).

"(c) TRANS-CAUCASUS ENTERPRISE FUND.—The President shall designate a private, nonprofit organization under subsection (b) to carry out this section with respect to the Trans-Caucasus region of the former Soviet Union. Such organization shall be known as the 'Trans-Caucasus Enterprise Fund'.

"(d) TREATMENT EQUIVALENT TO ENTERPRISE FUNDS FOR POLAND AND HUNGARY.—Except as otherwise specifically provided in this section, the provisions contained in section 201 of the Support for East European Democracy (SEED) Act of 1989 (excluding the authorizations of appropriations provided in subsection (b) of that section) shall apply to any Enterprise Fund that receives funds and support under this section. The officers, members, or employees of an Enterprise Fund that receive funds and support under this section shall enjoy the same status under law that is applicable to officers, members, or employees of the Enterprise Funds for Poland and Hungary under the Support for East European Democracy (SEED) Act of 1989.

"(e) REPORTING REQUIREMENT.—Notwithstanding any other provision of this section, the requirement of section 201(p) of the Support for East European Democracy (SEED) Act of 1989, that an Enterprise Fund shall be required to publish an annual report not later than January 31 each year shall not apply with respect to an Enterprise Fund that receives funds and support under this section for the first twelve months after it is designated as eligible to receive such funds and support.

"(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes—

"(A) $12,000,000 for fiscal year 1996 to fund the Trans-Caucasus Enterprise Fund established under subsection (d); and

"(B) $52,000,000 for fiscal year 1996 to fund any enterprise fund authorized to receive funds under this section other than the Trans-Caucasus Enterprise Fund.

"(2) Funds appropriated under this subsection are authorized to remain available until expended.".

CHAPTER 2—DEVELOPMENT ASSISTANCE FUND AND OTHER AUTHORITIES

SEC. 2311. DEVELOPMENT ASSISTANCE FUND.

(a) SINGLE AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President the total amount of $2,475,000,000 for fiscal year 1996 and the total amount of $2,324,000,000 for fiscal year 1997 to carry out the following authorities in law:

(1) Sections 103, 104, 105, 106, and 108 of the Foreign Assistance Act of 1961 (relating to development assistance).

(2) Chapter 10 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2294; relating to the Development Fund for Africa).

(3) Chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.).

(4) The Support for East European Democracy (SEED) Act of 1989 (Public Law 101–179).

(5) Title III of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2181 et seq.; relating to housing and other credit guaranty programs).

(6) Section 214 of the Foreign Assistance Act of 1961 (22 U.S.C. 2174; relating to American Schools and Hospitals Abroad).

(b) POPULAR NAME.—Appropriations made pursuant to subsection (a) may be referred to as the "Development Assistance Fund".

(c) PROPORTIONAL ASSISTANCE TO AFRICA.—Of the funds authorized to be appropriated by subsection (a), not less than 25 percent each fiscal year shall be used to carry out chapter 10 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2294 et seq.; relating to the Development Fund for Africa).

SEC. 2312. ECONOMIC SUPPORT FUND.

Subsection (a) of section 532 of the Foreign Assistance Act of 1961 (22 U.S.C. 2346a) is amended to read as follows:

"(a)(1) There are authorized to be appropriated to the President to carry out the purposes of this chapter $2,375,000,000 for the fiscal year 1996 and $2,340,000,000 for the fiscal year 1997.

"(2) Of the amount authorized to be appropriated by paragraph (1) for each of the fiscal years 1996 and 1997, $15,000,000 shall be available only for Cyprus.

"(3) Of the amount authorized to be appropriated by paragraph (1) for fiscal year 1996, $15,000,000 shall be available only for the International Fund for Ireland.

"(4) Of the amount authorized to be appropriated by paragraph (1) for fiscal year 1996, $10,000,000 shall be available only for the rapid development of a prototype industrial park in the Gaza Strip.".

CHAPTER 3—PEACE CORPS

SEC. 2331. PEACE CORPS.

Section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)) is amended to read as follows:

"(b) There are authorized to be appropriated to carry out the purposes of this Act $234,000,000 for each of the fiscal years 1996 and 1997.".

CHAPTER 4—INTERNATIONAL DISASTER ASSISTANCE PROGRAMS

SEC. 2341. INTERNATIONAL DISASTER ASSISTANCE.

Section 492(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2292a) is amended to read as follows:

"(a) There are authorized to be appropriated to the President to carry out section 491, in addition to funds otherwise available for such purposes, $200,000,000 for fiscal year 1996 and $200,000,000 for fiscal year 1997.".

TITLE XXIV—PEACE AND SECURITY IN THE MIDDLE EAST

SEC. 2401. ECONOMIC SUPPORT FUND ASSISTANCE FOR ISRAEL.

(a) MINIMUM ALLOCATION.—Of the amounts made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund) for fiscal years 1996 and 1997, not less than $1,200,000,000 for each such fiscal year shall be available only for Israel.

(b) TERMS OF ASSISTANCE.—The total amount of funds allocated for Israel each fiscal year under subsection (a) shall be made available as a cash transfer on a grant basis. Such transfer shall be made on an expedited basis within 30 days after the beginning of the fiscal year or the date of enactment of the Act appropriating such funds, whichever is later. In exercising the authority of this subsection, the President shall ensure that the level of cash transfer made to Israel does not cause an adverse impact on the total level of nonmilitary exports from the United States to Israel.

SEC. 2402. FOREIGN MILITARY FINANCING FOR ISRAEL.

(a) MINIMUM ALLOCATION.—Of the amounts made available for fiscal years 1996 and 1997 for assistance under the "Foreign Military Financing Program" account under section 23 of the Arms Export Control Act (22 U.S.C. 2763), not less than $1,800,000,000 for each such fiscal year shall be available only for Israel.

(b) TERMS OF ASSISTANCE.—

(1) GRANT BASIS.—The assistance provided for Israel for each fiscal year under subsection (a) shall be provided on a grant basis.

(2) EXPEDITED DISBURSEMENT.—Such assistance shall be disbursed—

(A) with respect to fiscal year 1996, not later than 30 days after the date of the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996, or by October 31, 1995, whichever is later; and

(B) with respect to fiscal year 1997, not later than 30 days after the date of the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, or by October 31, 1996, whichever is later.

(3) ADVANCED WEAPONS SYSTEMS.—To the extent that the Government of Israel requests that funds be used for such purposes, funds described in subsection (a) shall, as agreed by the Government of Israel and the Government of the United States, be available for advanced weapons systems, of which not less than $475,000,000 for each fiscal year shall be available only for procurement in Israel of defense articles and defense services, including research and development.

SEC. 2403. ECONOMIC SUPPORT FUND ASSISTANCE FOR EGYPT.

Of the amounts made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund) for fiscal years 1996 and 1997, not less than $815,000,000 for each such fiscal year shall be available only for Egypt.

SEC. 2404. FOREIGN MILITARY FINANCING FOR EGYPT.

(a) MINIMUM ALLOCATION.—Of the amounts made available for fiscal years 1996 and 1997 for assistance under the "Foreign Military Financing Program" account under section 23 of the Arms Export Control Act (22 U.S.C. 2763), not less than $1,300,000,000 for each such fiscal year shall be available only for Egypt.

(b) TERMS OF ASSISTANCE.—The assistance provided for Egypt for each fiscal year under subsection (a) shall be provided on a grant basis.

TITLE XXV—INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 2501. VOLUNTARY CONTRIBUTIONS; UNITED NATIONS CHILDREN'S FUND.

Section 302(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2222(a)) is amended to read as follows:

"(a)(1) There are authorized to be appropriated to the President, in addition to funds otherwise available for such purpose, $225,000,000 for fiscal year 1996, and $225,000,000 for fiscal year 1997, for voluntary contributions under this chapter to international organizations and programs, of which amounts not less than $103,000,000 for each fiscal year shall be available only for the United Nations Children's Fund (UNICEF).

"(2) Funds appropriated pursuant to paragraph (1) are authorized to remain available until expended.".

SEC. 2502. REPLENISHMENT OF THE ASIAN DEVELOPMENT BANK.

The Asian Development Bank Act (22 U.S.C. 285–285aa) is amended by adding at the end the following new section:

"SEC. 31. FOURTH REPLENISHMENT.

"(a) SUBSCRIPTION AUTHORITY.—

"(1) IN GENERAL.—The United States Governor of the Bank may, on behalf of the United States, subscribe to 276,105 shares of the increase in the capital stock of the Bank—

"(A) 5,522 of which shall be shares of paid-in capital stock; and

"(B) 270,583 of which shall be shares of callable capital stock.

"(2) SUBJECT TO APPROPRIATIONS.—The authority provided by paragraph (1) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

"(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For the subscription authorized by subsection (a), there are authorized to be appropriated to the Secretary of the Treasury $13,320,000 for each of the fiscal years 1996 and 1997.".

TITLE XXVI—EFFECTIVE DATE

SEC. 2601. EFFECTIVE DATE.

Except as otherwise provided, this division, and the amendments made by this division, shall take effect on October 1, 1995.

BOXER (AND FEINSTEIN) AMENDMENT NO. 2032

Mr. KERRY (for Mrs. BOXER, for herself and Mrs. FEINSTEIN) proposed an amendment to amendment No. 2025 proposed by Mr. DOLE to the bill S. 908, supra; as follows:

Strike all page 1, line 6 through page 2, line 2–3 and insert the following new section.

(a) The Senate finds that—

(1) Peter H. Wu, known as Harry Wu, attempted to enter the People's Republic of China on June 19, 1995;

(2) Harry Wu, a 58-year-old American citizen, was traveling on a valid United States passport and a valid visa issued by the Chinese authorities;

(3) the Chinese Foreign Ministry notified the United States Embassy in Beijing of Harry Wu's detention on Friday, June 23;

(4) the United States Embassy in Beijing approached the Chinese Foreign Ministry on Monday, June 26, to issue an official demarche for the detention of an American citizen;

(5) the terms of the United States-People's Republic of China Consular Convention on February 19, 1982, require that United States Government officials shall be accorded access to a detained American citizen as soon as possible, but not more than 48 hours after the United States has been notified of such detention;

(6) on June 28, the highest ranking representative of the People's Republic of China in the United States refused to offer the United States Government any information on Harry Wu's whereabouts or the charges brought against him;

(7) by denying consular officials access to Harry Wu, the Government of the People's Republic of China violated the terms of its Consular Convention;

(8) on July 8, the People's Republic of China formally charged Harry Wu, with espionage, which is a capital crime;

(9) Harry Wu, who was born in China, has already spent 19 years in Chinese prisons;

(10) Harry Wu has dedicated his life to the betterment of the human rights situation in the People's Republic of China;

(11) Harry Wu first detailed to the United States Congress the practice of using prison labor to produce products for export from China to other countries;

(12) Harry Wu testified before the Committee on Foreign Relations of the Senate on May 4, 1995, informing the Committee, the Senate, and the American people about human rights abuses in Chinese prisons;

(13) on June 2, 1995, the President of the United States announced his determination that further extension of the waiver authority granted by section 402(c) of the Trade Act of 1974 (Public Law 93–618; 88 Stat. 1978), also known as "Jackson-Vanik", will substantially promote freedom of emigration from the People's Republic of China;

(14) this waiver authority will allow the People's Republic of China to receive the lowest tariff rates possible, also known as Most-Favored-Nation trading status, for a period of 12 months beginning on July 4, 1995;

(15) the Chinese government and people benefit substantially from the continuation of such trading benefits;

(b) The Senate condemns the arrest of Harry Wu, urges his immediate return, and expresses deep concern for his well being.

(c) It is the sense of the Senate that—

(1) the People's Republic of China must comply with its commitments under the United States-People's Republic of China Consular Convention of February 19, 1982;

(2) the President of the United States should use every diplomatic means available to ensure Harry Wu's safe and expeditious return to the United States;

(3) United States citizens who are participants in the United Nations Fourth World Conference on Women should strongly urge the release of Harry Wu at every appropriate public and private opportunity.

HUTCHISON (AND OTHERS) AMENDMENT NO. 2033

Mrs. HUTCHISON (for herself, Mr. GRAMM, Mr. COATS, Mr. HELMS, Mr. GRAMS, Mr. SMITH, Mr. Ashcroft, Mr. KEMPTHORNE, Mr. INHOFE, Mr. LOTT, Mr. NICKLES, and Mr. DEWINE) proposed an amendment to the bill S. 908, supra, as follows:

On page 91, between lines 4 and 5, insert the following new section:

SEC. 319. SENSE OF CONGRESS ON UNITED NATIONS FOURTH WORLD CONFERENCE ON WOMEN IN BEIJING, CHINA.

It is the Sense of the Congress that—

(1) the United Nations Fourth World Conference on Women in Beijing, China, should promote a representative American perspective on issues of equality, peace, and development; and

(2) in the event the United States sends a delegation to the Conference, the United States delegation should use the voice and vote of the United States—

(A) to ensure that the biological and social activity of motherhood is recognized as a valuable and worthwhile endeavor that should in no way, in its form or actions, be demeaned by society or by the state;

(B) to ensure that the traditional family is upheld as the fundamental unit of society upon which healthy cultures are built and, therefore, receives esteem and protection by society and the state; and

(C) to define or agree with any definitions that define gender as the biological classification of male and female, which are the two sexes of the human being.

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON FINANCE

Mr. PELL. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Monday, July 31, 1995, beginning at 9:30 a.m. in room SD-215, to conduct a hearing on Medicare fraud and abuse.

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

ADDITIONAL STATEMENTS

THE SITUATION ON CYPRUS

• Mr. STEVENS. Mr. President, the fall of communism and the reunification of Europe makes it easy to forget that there is still one country in the world that remains artificially divided. I am speaking of Cyprus, which has been divided since 1974, when the Turkish military intervened on the island to stop a bloody coup that was threatening to become an all-out attack against the smaller Turkish Cypriot community there.

There is now some movement in the effort to find a solution to the Cyprus issue that has lingered for so long; longer, in fact, than the 21 years which have passed since the Turkish military action. The truth is that the physical partition of the island was the logical result of the de facto partition that occurred in the early 1960's, when Greek Cypriot extremists began a campaign to drive the Turkish Cypriots off the island forever. That is why U.N. peacekeepers have been on Cyprus since 1963—more than a decade prior to the intervention of 1974.

Brian Crozier, a contributing editor at the National Review, has recently written an article for the magazine entitled "The Forgotten Republic," which provides an excellent review of the situation on Cyprus. I commend it to anyone interested in Cyprus, and submit it for publication in the CONGRESSIONAL RECORD.

[From the National Review, June 12, 1995]

THE FORGOTTEN REPUBLIC

(By Brian Crozier)

Lidice is remembered with sorrow and anger: the Czech village razed by the Nazis, its inhabitants massacred. I was unaware of the similar fate of Sandallar and Atlilar, in the Turkish Republic of Northern Cyprus.

There is not much to see: a few burnt-out houses, and two simple monuments to the inhabitants. The dead at Sandallar numbered 89, including some old people and a baby of four months. The toll at Atlilar was 37, including two babies, one 16 days old, the other 15 months.

The Greeks who carried out the massacres included a few uniformed members of the National Guard, armed with machine-guns, and civilians who knew their victims and called them out by name to meet their fate.

The date is important. The deeds were done on August 14, 1974, less than a month after a Turkish force of six thousand troops and forty tanks had landed near Kyrenia. Was it an invasion? Or a rescue operation? Or, more neutrally, just a landing? It all depends on who you are, and where you stand.

A backward look is necessary. This was not my first visit to this beautiful Mediterranean island, only 40 miles from Turkey (and 560 miles from Greece). I had gone there 39 years ago, when the Greek Cypriot terrorist movement, EOKA, led by a political bandit called George Grivas, was in full swing. Grivas had one simple aim: Enosis, or union with Greece.

At that time, in 1956, Cyprus was still a British colony, and Britain was not eager to hang onto it. The dismantling of the British Empire was already well under way, but Cyprus was a tough case with some 100,000 Turkish Cypriots, scattered in vulnerable enclaves, and perhaps five times as many Greeks.

EOKA's initials were designed to confuse: they stood for National Organization for the Cyprus Struggle, but meant in reality, "for Greek Cypriots and union with Greece." There was no room in EOKA for Cypriots of Turkish origin.

Cyprus, indeed, was a fully qualified member of the New World Disorder before History began again after the collapse of the Soviet system. Cyprus reminds me of Ireland: two ethnic and religious communities living on the same island, the majority wanting to control the minority, and the minority looking to a nearby ancestral homeland for protection.

During the EOKA terror campaign (1955–58) hundreds of Turks were killed and more than 30 villages destroyed (logically, one might say, since Grivas was committed to eliminating all "traitors," defined as opponents of Enosis).

The British achieved their aim of getting out of Cyprus in 1959 after meetings with the Greek and Turkish governments, which resulted in the London-Zurich Agreements, specifying that the two Cypriot communities would be the founding partners of the forthcoming republic. As for Enosis, it was outlawed; and so, to be fair, was Taksim (partition); which is what the Turks wanted.

The new Republic that emerged in 1960 was, however, virtually stillborn. The president, the Greek Orthodox Archbishop Makarios, is often described as a "moderate," but the facts are otherwise. He gave the Interior Ministry to a known EOKA killer, Polycarpos Yorgadjis, and similar appointments followed. At the end of 1963, he moved closer to the Grivas model, unleashing a secretly trained army of Greek and Greek Cypriot irregulars against the Turkish community. The Turks hit back, reportedly with arms from Turkey.

Makarios declared the Agreements null and void and expelled Turkish members of his government. By late 1963, the small British peace force was out of its depth, and in mid February 1964, Britain referred the Cyprus problem to the U.N. Security Council. The outcome was another set of initials: UNFICYP, or the United Nations Peace-Keeping Force in Cyprus. It came in 1964 and is still there, more than thirty years on. Before flying from London to Kyrenia this time, I watched a relevant installment of a documentary television series titled A "Soldier's Peace," in which the Canadian Major-General Lewis MacKenzie summed up the decades of U.N. peace-keeping in a telling phrase: "It fails even when it succeeds."

The long-drawn-out conflict came to a climax on July 15, 1974, when an ex-EOKA terrorist named Nicos Sampson, with the backing of the Colonels' regime then in power in Greece, overthrew Archbishop Makarios and took over. But not for long. There was an element of farce in Sampson's coup, which put him in power for not quite a week—one of the shortest-lived takeovers in history. Within days (on July 23) the Greek Colonels decided, after seven years in power, to hand the country over to civilian politicians.

There was, however, drama as well as farce, for the Turkish military landing had started on July 20. Of the questions I put to President Rauf Denktash on my recent visit, the key one, to me, was whether the Turkish government had decided unilaterally to intervene, or whether he had asked the Turks to come in. His reply was frank. He had been in constant touch with the then premier of Turkey, Bulent Ecevit, and had pleaded with him to rescue the heavily out-numbered Turkish minority.

The Turkish operation was followed by a massive transfer of populations, obligatory for the Greeks in the north, voluntary for the Turks from the south, in fear of a Greek backlash.

Another glance backward. On my visit in 1956, Denktash had called to see me at my hotel in Nicosia. Denktash has not changed very much—a short, now even broader man of 71. Like his counterpart in southern Cyprus, Glavcos Clerides, he is a London-trained lawyer, and his exposition of the long crisis and his efforts to solve it was admirably judicious.

The little Republic needs Denktash, but came close to losing him in the first round of the presidential election this April 16, when he won only 40 per cent of the vote, with his right-wing rival Dervis Eröglü, close behind. But in the run-off on the 22nd, he won a fifth term with 62 per cent.

Meanwhile, back in 1975, the Denktash government, under Turkey's protection, proclaimed a Turkish Cypriot Federated State on February 13. Initially, Denktash did not seek international recognition. His aim was to negotiate a deal with his Greek Cypriot opposite number, Acting President Clerides, for a partition of the island into two separate, but federally linked, entities.

That was twenty years ago, and the deadlock has been frozen ever since. Clerides and his advisors were not interested in Denktash's federal fantasy, as they saw it. There seemed only one way out, and Rauf Denktash took it in 1983. He dropped the federal initiative and, on November 15, proclaimed the independence of his enclave, under the name of "the Turkish Republic of Northern Cyprus." Three days later, on the initiative of the (Greek) Republic of Cyprus, the UN Security Council voted for non-recognition of the Northern Republic.

And there, you might think, the matter rests; except that it does not, and should not. Life in the unrecognized republic is at least peaceful, but not as comfortable as it might be. The Greek Cypriots see to that, by cutting off gas and electricity daily, although the Turkish northerners hope to have enough supplies of their own before long. Inflation is running at 200 percent, and life without Turkish handouts would be grimmer still. The Greek government tried to block a mainland-Turkish move for a customs deal with the European Union, but eventually lifted its veto.

In southern Cyprus, meanwhile, there are worrying signs. For months past, a Russian-mafia and ex-KGB presence has been building up there; there is a massive arms build-up as well ($2 million worth a day, according to northern sources), including equipment from

the former Warsaw Pact as well as from NATO via Greece. There are also reliable reports on a still more sinister development, with the training of anti-Turkish, Leninist terrorists of the PKK (Kurdish People's Party) in the south.

Meanwhile, Turkey's military presence in the north has officially grown from 6,000 to 30,000. Unconfirmed whispers put the total at closer to 130,000. Reminder: Greece and Turkey are both members of NATO. In February 1975, the U.S. Congress imposed an arms embargo on Turkey; in retaliation, Turkey closed 25 U.S. defense installations. President Gerald Ford partially lifted the embargo in October 1975 and under a new agreement, the following year, Turkey took control of the installations and received substantial grants and credits from the United States.

Time to declare? In my view, the Turkish intervention of 1974 was not an invasion, as widely accepted, but a morally justified rescue operation. I understand the Greek ancestral memories of Ottoman oppression, but I do not think they justify Greek Cypriot repression of the peaceful Turkic minority. I regret the Greek rejection of a federal solution, which alone makes sense to me. Still more do I regret the international failure to recognize the independence of northern Cyprus. As it happens, talks on ways to reunite Cyprus, sponsored by the U.S. and Britain, opened in London on May 20. This encourages me (but only just) to end on a note of hope, though not of optimism.•

THE 100TH ANNIVERSARY OF ALBERT BROS., INC.

• Mr. LIEBERMAN. Mr. President, I rise today to honor one of Connecticut's oldest businesses which will be celebrating its 100th anniversary this year: Albert Bros., Inc. In 1891, Nathan and Lewis Albert came to Waterbury, Ct from their native home of Vilna, Lithuania. Traveling by horse and wagon through Connecticut, Nathan and Lewis Albert began their livelihood by selling tin goods and buying scrap metal. In 1895, with the opening of their own scrap yard, Albert Bros., Inc. began.

The Albert brothers moved the location of their business several times, finally settling on Judd Street in 1917. One year later, Lewis left the company to manage his own coal and oil business. Spending over 50 years on Judd Street, the company survived the Great Depression and a flood in 1955 and continued to prosper at that location for over three decades. In 1971, the company outgrew the Judd Street location and moved to its present location on East Aurora Street.

In the 1980's, Albert Bros., Inc. welcomed the fourth generation of Albert's into the business. With this came yet another prosperous expansion for the company.

Currently, Albert Bros., Inc. is one of the largest scrap metal recyclers/processors in New England, operating on both a national and an international level. Albert Bros. has received numerous awards for the quality of its processed scrap, and a variety of awards from the State of Connecticut for its excellence in workplace safety. The success of Albert Bros. can be seen by recognizing its commitment to the people.

Therefore, in this year of the 100th anniversary of Albert Bros., Inc., I wish to commend the company for their hard work and dedication.•

BEATRICE KAHAN

• Mr. LEVIN. Mr. President, I would like to take a moment to remember a woman who spent her life striving to improve her community, Beatrice Kahan of Kalkaska. She passed away earlier this month.

A long time resident of Kalkaska, Beatrice Kahan held many public positions. For her many contributions to the community she was selected as the Kalkaska Citizen of the Year and was recognized as one of the top 10 Women of the Year by the Zonta Club of Michigan.

Beatrice Kahan served on the Kalkaska Village Council, the Cosmetology Board, the Probate Court Advisory Commission, the Trout Memorial Board, and acted as president of the Kalkaska Chamber of Commerce. Her contributions to the community include spearheading the effort to build sewers in Kalkaska, founding the International Dog Races, restoring the downtown Kalkaska Trout Memorial, and identifying problems of elderly abuse.

Mr. President, it is an honor for me to pay tribute to Beatrice Kahan, a caring educator who established the K-College of Cosmetology in Kalkasa and Traverse City. Many of her former students remember her as the person who gave their lives direction and the skills they needed to compete in the marketplace. She will be remembered warmly by her family, friends, and the entire community.•

BEN ALEXANDER: I'LL BE LOST WITHOUT HIM

• Mr. HOLLINGS. Mr. President, one of the greatest joys of being a U.S. Senator is the opportunity to work with the brightest, most talented young people in the country. Inevitably, it is with a mixed sense of sadness and pride that one watches them mature and then move on to the next aspect of their career. That certainly describes my feelings today as my upstate director, Ben Alexander, leaves to go to law school.

There are quite a few things that anyone who has any contact with Ben will ascertain immediately—he is smart, he is conscientious, he is tireless, and he is relentlessly good natured. If one talks to Ben a little longer, one will find that he has a voluminous knowledge of South Carolina's upstate. He can tell you the economic statistics, election results, business prospects and wedding announcements for every town in 10 counties. And he is just as proficient at expediting a Social Security case as helping industry and government build the infrastructure necessary to a healthy business climate. In addition, he began an intern program that has been a boon to both my office and the many fine universities found in the upstate. In short, Ben can do it all and do it all well.

Despite all this obvious talents, I had some reservations about giving a 22-year-old primary responsibility for the most populous area of the State when he began nearly 7 years ago. On my first visit to the Greenville area after Ben had taken over, he picked me up at the airport and proceeded to reenforce all my worst fears by getting lost. Well, we eventually got where we were going and I later learned that Ben was famous for his hard work but infamous for his sense of direction. But there turned out to be no need to worry. Ben learned to read a road map just as well as he could read a political map. And I can assure you that my office never took a wrong turn under Ben's stewardship.

Mr. President, I rise today to say thanks to Ben Alexander for all he has done for me and for the people of South Carolina. As he heads off to law school, he will remain a member of the extended Hollings family. I appreciate this opportunity to thank him for a job well done and to wish him every success in the years ahead.•

DISTRICT OF COLUMBIA EMERGENCY HIGHWAY RELIEF

Mr. DOLE. Mr. President, I ask unanimous consent the Senate proceed to immediate consideration of H.R. 2017, just received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2017) to authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. DOLE. Mr. President, I ask unanimous consent the bill be considered and deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (H.R. 2017) was deemed read three times and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DOLE. Mr. President, I ask unanimous consent the Senate immediately proceed to executive session to consider all the nominations placed on the secretary's desk in the Marine Corps. I further ask unanimous consent the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc, that any statements relating to the nominations appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

IN THE MARINE CORPS

Marine Corps nominations beginning Anthony T. Alauria, and ending Thomas S. Woodson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 3, 1995.

Marine Corps nominations beginning David V. Adamiak, and ending John G. Zuppan, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 11, 1995.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR TUESDAY, AUGUST 1, 1995

Mr. DOLE. Mr. President, I ask unanimous consent when the Senate completes its business today it stand in recess until the hour of 9:30 a.m. on Tuesday, August 1, 1995; that following the prayer the Journal of proceedings be deemed approved to date, the time for the leaders be reserved for their use later in the day; and that there then be a period for the transaction of routine morning business until 10 a.m. with Senators permitted to speak for up to 5 minutes, with the following exceptions: Senator FEINSTEIN, 10 minutes; Senator GLENN, 15 minutes.

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

Mr. DOLE. Mr. President, I ask unanimous consent that at 10 a.m. the Senate begin a 15-minute cloture vote on the State Department reorganization and the mandatory quorum under rule XXII be waived.

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

Mr. DOLE. I further ask that following the first cloture vote the Senate resume consideration of the State Department reorganization bill.

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

Mr. DOLE. I further ask unanimous consent the Senate stand in recess between hours of 12:30 p.m. and 2:15 p.m. for the two party luncheons, and following the recess at 2:15 p.m, the Senate proceed to a second cloture vote on the State Department reorganization and the mandatory quorum under rule XXII be waived.

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

PROGRAM

Mr. DOLE. So, let me just summarize here for all my colleagues.

For the information of all Senators, if cloture is not invoked either time on the State Department reorganization, it will be the majority leader's intention to either resume consideration of the energy water appropriations bill—but probably we will not do that unless some of the problems have been worked out—or begin consideration of the DOD authorization bill. Therefore, votes can be expected to occur throughout Tuesday's session with the first vote occurring at 10 a.m.

Also, Senators should expect late sessions this week and the possibility of a Saturday session, if necessary, to make progress on the items needed to pass prior to the August recess, which will begin sometime in August.

ORDER FOR FILING OF FIRST-DEGREE AMENDMENTS

Mr. DOLE. Also, Mr. President, I ask unanimous consent the first-degree amendments may be filed up to 12:30 p.m. on Tuesday and second-degree amendments may be filed for the first cloture vote by 10 a.m. and for the second cloture vote by 2:15 p.m. in order for them to qualify postcloture.

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

Mr. DOLE. Mr. President, I understand the Senator from California wishes to speak, and the Senator from Rhode Island. So, if I can just take a few minutes and I will sort of put us on automatic.

A FINAL TRIBUTE TO GEORGE ROMNEY

Mr. DOLE. Mr. President, in describing the State of Michigan, the author John Steinbeck wrote, "It seemed to me that the Earth was generous and outgoing here in the heartland, and perhaps the people took a cue from it."

One person who Steinbeck may have been thinking of when he wrote those words was George Romney. And today Governor Romney's family and friends gathered in Bloomfield Hills, MI, to pay a final tribute to one of America's most generous and outgoing public servants.

An innovative businessman, an effective Governor, a dedicated Secretary of Housing and Urban Development, a committed member of his church, a loving husband and father. George Romney was all of this and more.

But perhaps the title that Governor Romney cherished above all was the simple title of American.

During his remarkable life and career, George Romney was always fighting for his country, and for the values that make it great.

He knew that the free enterprise system was the engine that moved our economy forward, and, as a pioneering businessman, he introduced the compact car to Americans.

George Romney also believed in democracy, and he chose to leave a very lucrative career for the opportunity to make a difference for all Michigan citizens.

And some three decades before "Reinventing Government" became a national fad, George Romney fought to reduce the bureaucracy, and to see that Government remained close to the people.

George Romney also was an advocate for the uniquely American tradition of neighbor helping neighbor, and after leaving public service, he founded The National Center, which was devoted to increasing voluntarism in America, and which will stand as one of his legacies.

Another legacy is his family. Governor Romney understood that there is no institution more vital to America's survival than the family. He fought for policies that strengthened all America's families, and he took geat pride in the many accomplishments of his.

I know all Senators join with me in sending our condolences, to Lenore, his wife of 64 years, and to his four children, 23 grandchildren, and 33 great-grandchildren.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, as I understand it, the Senator from California wishes to speak for 10 minutes and the Senator from Rhode Island for 10 minutes.

So I ask unanimous consent that if there is no further business to come before the Senate, the Senate stand in recess under the previous order after the completion of the remarks by the Senator from California, Senator BOXER, and the remarks of the Senator from Rhode Island, Senator PELL.

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

Under the order, the Senator from California is recognized.

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

FOREIGN RELATIONS REVITALIZATION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2033

Mrs. BOXER. I am sorry that the Senator from Texas left the floor. I understand the basic premise of her amendment, which says that the U.N. Fourth World Conference on Women in Beijing should promote an authentic American prospective on issues of equality, peace, and development. Absolutely that is correct.

But there are a couple of things here that are just odd, which does not necessarily mean that I will not support this. But I find it odd that in a resolution coming before the Senate that the Senate has to state and go on record that there are only two genders, male and female. That is what the facts of life are. And I just find it kind of odd to have to say that there are two genders. So I was going to ask her why she feels we have to say that.

The other thing I thought was kind of unusual here is that she implies this—and I know that she could straighten it out for me—that single people are not entitled to protection by society in this country. That concerns me because what she says is to ensure that the traditional family is upheld as the fundamental unit of society upon which healthy cultures are built and, therefore, receives esteem and protection by society in the State. Of course, our families and the people in them should receive full protection of society and the country in America. But are we implying here that if we are not married, if we are single, you do not deserve to have those protections? I hope not.

So I wanted to ask her about that. But we will put that to the side. Perhaps when I get to see the Senator in the morning, she will be able to explain why we have to have the Senate vote that there are two genders.

ACTION OF THE ETHICS COMMITTEE

Mrs. BOXER. Mr. President, I was disappointed to learn that the Ethics Committee has voted 3 to 3 and is deadlocked on the issue of public hearings in the Packwood case, with three Republicans voting against public hearings and three Democrats voting in favor of public hearings.

I have stated oftentimes on this floor that if that would be the case, I was going to offer the amendment, and I stand by that. I will do that because not holding open public hearings in a case that has reached this serious a level would be the first time in history that the Senate has failed to do so.

And, Mr. President, I have just wracked my brain. What is it about this case that should give a Senator the right to have his case behind closed doors? The only thing I can come up with is the more embarrassing you make your transgressions, the more likely you are to get to be heard behind closed doors. That is a horrible message. Or, if it involves sexual misconduct, sexual misconduct, mistreatment of women, or, if this is done by a woman toward men, misconduct of human beings because of their sexuality, that you get to have those hearings behind closed doors. What an incredible message the Republican members of the Ethics Committee have sent to the American people today. I cannot figure out any other reason.

I think it is important to note that the Senator in question got his opportunity to appear before a committee in person to talk about what he thought discrepancies might be in the case and to look at those Senators eye to eye. But the women, 17 of them in 18 different cases, do not get that chance.

I hope the American people are following this saga. It is extraordinary. The women do not have a chance to come before that committee and look in their eyes and talk about their humiliation and their pain.

I have to tell you something. When it comes to this issue, and men and women who have had this experience will tell you, you never forget it whether it was 3 days ago or 30 years ago. It is that humiliating. You remember every single detail. You remember how you felt. And it stays with you for your whole life.

These women do not have the same chance that this privileged Senator did to look in the eyes of the Ethics Committee members and tell them from their heart what transpired. I think this is wrong.

Now, on the bright side, the committee voted 6 to 0 to distribute all the documents related to the case. That is my understanding, all the depositions. That is a good sign. We can at least see what the depositions say, what the documents say, about the sexual misconduct, about the allegations of tampering with evidence, about the allegations of trying to get a spouse a job related to lower alimony payments. We will get to see the documents.

It is a good thing because I heard directly from one of my Republican colleagues that he was able to see some of the depositions, and he is not even on the committee. It is a good thing we are all getting a chance to see the documents and the depositions.

But, Mr. President, I have to tell you, this is like justice half way. You see the depositions but you do not really get to see the people, and they do not get to tell their side. That is like canceling a trial and just deciding the guilt or innocence based on paperwork. That is not justice. That is justice half way. That is one-sided justice.

I know that not all of my colleagues are very excited about the fact that I am going to be offering an amendment, but I know that each and every one of my colleagues in their heart believes, if they felt strongly about this, they would do it as well because it is about the honor of the Senate. It is about the traditions of the Senate. It is about a signal we will send if we allow this deadlock to continue.

Mr. President, I will not take any more of the Senate's time on this matter. There will be much more to say on it. I will at this time yield my time to the Senator from Rhode Island if he wishes to take advantage of the little extra time.

I yield the floor.

Mr. PELL. I thank the Senator very much.

The PRESIDING OFFICER. The Senator from Rhode Island.

IN DEFENSE OF THE UNITED NATIONS

Mr. PELL. Mr. President, I wish to take a moment to outline some of the concerns I have about the provisions pertaining to the United Nations in the bill we have been considering, the State authorization bill.

Titles II and III of the bill, in my opinion, amount collectively to an assault on U.S. participation in the U.N. system. I know that some Americans have questioned the effectiveness of the United Nations in certain peacekeeping operations, such as those in Somalia and Bosnia, and that there are lingering concerns about the ability of the United States to expend resources on foreign affairs in general.

That being said, I think it is fair to say there is evidence that a majority of Americans support U.S. participation in the U.N. system—particularly when it comes to U.N. peackeeping. To paraphrase former Secretary of State James Baker, U.N. peacekeeping is a pretty good bargain. For every dollar the United States spends on U.N. peacekeeping, we save many more by preventing conflicts in which we would otherwise become involved unilaterally.

I am therefore distraught and distressed by this bill's obvious anti-U.N. course. If adopted in its present form, this bill could well establish the foundation for an eventual U.S. withdrawal from the U.N. system. I think that would be a disastrous outcome, and one to which the American public would strenuously object. As Secretary of State Christopher noted in a recent letter to me, "* * * turning our back on the U.N. would increase the economic, political, and military burden on the American people."

There are a number of troublesome sections in this bill relating to the United Nations. Section 201 authorizes a reduction of more than $157 million from the President's request for the U.S. assessed contributions to the United Nations and related agencies. From there, the fiscal year 1997–99 recommendations are straightlined—frozen, to be precise—at the fiscal year 1996 levels.

That is a mistake. If we enact this provision, the Congress will force the United States to default on treaty obligations and fall further into arrears on our payments to the United Nations. I remember how hard I tried to work with the Bush administration to bring the United States back from its deadbeat status at the United Nations; what a shame it would be for us to fall behind once more.

Section 203, in a misguided effort to save the United States money at the United Nations, calls for the U.N. General Assembly to reformulate the percentages of assessed contributions, and to base those percentages upon each nation's share of the world's total gross national product. If we were to follow these guidelines, however, the U.S. share of total assessed contributions to the United Nations would easily exceed our current mandated ceiling of 25 percent. In other words, we would achieve the exact opposite of what this section probably intends.

Section 205 is probably the most problematic of all the U.N. provisions. This section would have the United States withhold 50 percent of its assessed peacekeeping dues and 20 percent of its regular contributions, and would bar payment of all voluntary peacekeeping contributions, unless the President were able to certify certain conditions with regard to the U.N. inspector general's office.

While U.N. reform is a good idea, this provision sets unworkable standards for an effective U.N. inspector general. In other words, the President would never be able to certify the conditions set forth in this legislation, nor in many cases would he want such conditions to arise. In my opinion, by setting such impossible certification requirements, this section is but a thinly veiled attempt to cut off enormous percentages of U.S. funding for the United Nations. It ought to be modified or, better yet, deleted.

There are other sections that also should be revised. I know that Senator KERRY and I have had discussions with our Republican counterparts to express concerns about section 206, a so-called whistle-blower provision; section 212, which increases advance notification requirement for U.N. Security Council votes; section 217, which creates exceptions for U.S. enforcement of U.N. sanctions regimes; section 220, which redefines the U.S. concept of a peacekeeping operation; and finally, sections 313, 316, and 317, which would prohibit certain U.S. contributions to the ILO and other international organizations.

Having returned just a short time ago from the 50th anniversary celebration of the foundation of the United Nations, I am convinced more than ever of the usefulness and necessity of U.S. participation in the United Nations. It is often repeated—and with good reason—that if the United Nations did not exist, then the world would need to invent it. I think it is high time that the Congress recognized the good and positive value we get for spending at the United Nations, and make the correct decision to reject the troublesome provisions in this bill.

Mr. President, on July 26, former Deputy Secretary of State John C. Whitehead, who is now Chair of the U.N. Association, wrote to me to outline the Association's assessment of the U.S. stake in the United Nations. It is an important statement and offers a clear and concise argument for continued U.S. participation in the United Nations.

Secretary Whitehead's letter prompted me to recall my own personal involvement with the United Nations having been present at its creation. To be precise, I was an Assistant Secretary of Committee III—the Enforcement Arrangements Committee—and worked specifically on what became articles 43, 44, and 45 of the charter. These articles are as relevant now as they were 50 years ago.

To my mind, the charter has been more than mere words and paper, more than a blueprint of an organizational structure. To me, the charter is a vibrant and dynamic force, willed into being by the collective hopes and dreams of the participants in the San Francisco conference. Although experience has proven that the charter has not always lived up to such high expectations, the last 50 years have proven that collective security is a pretty sound concept for relations between states. It therefore pains me to see this debate in Congress over the future of U.S. participation in the U.N. system.

If the United States abandons the United Nations, the United Nations could well meet the same fate as the League of Nations. I think our interest lies in remaining solidly behind the United Nations. The U.S. failure to support the League of Nations is precisely why the League failed. We should not let the same thing happen to the United Nations. In the coming years, I can easily foresee that the United States will need the United Nations to intervene in areas of conflict or to tackle issues such as the international environment, world hunger, and refugee crises.

It is unfair and shortsighted to judge the United Nations solely on its success or failure in dealing with an intractable, longstanding ethnic conflict such as that in the former Yugoslavia. Rather, we should look at its 50 year's worth of experience in promoting collective security, humanitarian assistance and international cooperation in the environment and other areas.

The record, I would argue, has been good, and with a little work, the future holds real promise. My hope is that 50 years from now, when the United Nations celebrates its 100 year anniversary, our children will look back and remember this time as the turning point.

I ask unanimous consent that Secretary Whitehead's letter be printed in the RECORD.

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

U.N. ASSOCIATION OF THE
UNITED STATES OF AMERICA,
New York, NY, July 26, 1995.

Hon. CLAIBORNE PELL,
Senate Russell Office Building,
Washington, DC.

DEAR SENATOR PELL: I am writing to share with you a policy statement of the United Nations Association of the United States (UNA-USA) on the U.S. stake in the United Nations and U.N. financing, adopted in late June by UNA-USA's national convention on the occasion of the 50th anniversary of the signing of the United Nations Charter.

It is a serious yet succinct statement on an issue of considerable importance, with major implications for the Congress. We hope you will find it of interest. UNA-USA is eager to make a constructive contribution to the policy debate.

We would be pleased to share any reactions with UNA-USA's 25,000 members.

Sincerely,

JOHN C. WHITEHEAD,
Chairman of the Association.

Enclosure.

FINANCING THE UNITED NATIONS

The greatest threat today to the U.N.'s effectiveness and even survival is the cancer of financial insolvency. Countries slow to pay their share include many that are small. But it is the massive delinquencies of the United States that have plunged the Organization into chronic crisis and sapped its capacity to respond to emergencies and new needs.

The services provided by international organizations are, objectively, quite cheap—especially in comparison with the sums we spend on other dimensions of national security, such as the military, as backup in the event that diplomacy and the U.N. machinery fail. The annual U.S. assessments for peacekeeping worldwide are less than the police budget for the nation's largest city. Total American contributions, voluntary as well as obligatory, for all agencies of the U.N. system amount to $7 per capita (compared to some $1,000 per capita for the Defense Department)

Some object that U.N. peacekeeping costs have exploded over the past decade, from a U.S. share of $53 million in 1985 to $1.08 billion projected for 1995. But the end of the Cold War that sparked that increase, by freeing the U.N. to be an effective agent of conflict management, also allowed for far larger reductions in other U.S. security spending: Over the same decade, Pentagon budgets have fallen $34 billion. Increased reliance on U.N. collective security operations necessarily complements our defense savings. Moreover, U.N. costs are spread among all member states, and constitute a truly cost-effective bargain for all.

However, at a time of hard budget choices, many national politicians see U.N. contributions as an easy target. They are misguided. In asserting that national parliaments can unilaterally set their nations' assessment levels, claim offsets from assessed obligations for voluntary peacekeeping contributions, and impose policy conditions for payment of their agreed share of expenses, some

Washington politicians jeopardize the institutional underpinnings of the world community. No multilateral organization—whether the U.N., the World Bank, or NATO—can long survive if member states play by such rules.

In ratifying the U.N. Charter, every member state assented in law to the financial obligations of U.N. membership. Virtually all of America's allies in the industrialized world fulfill those obligations to the United Nations—in full, on time, and without conditions. Until relatively recently, so did the United States. It must do so again.

America's leaders must recommit this nation to full and timely payment of assessed contributions to the U.N. and related organizations, including prompt retirement of arrears accumulated over the past decade. Financial unreliability leaves our institutions of common purpose vulnerable and inefficient. We must sustain—and, where needed, increase—our voluntary financial support of the U.N. system's many vital activities in the economic and social fields as well as peace and security. We should press for assessment scales that fairly reflect nations' relative capacity to pay, and explore other means, including minimal fees on international transactions of appropriate types, to ensure that funds to pay for the U.N. system budgets that member states approve do, in fact, materialize.

AMERICA'S STAKE IN THE UNITED NATIONS

Fifty years ago we, the people of the United States, joined in common purpose and shared commitment with the people of 50 other nations. The most catastrophic war in history had convinced nations that no country could any longer be safe and secure in isolation. From this realization was born the United Nations—the idea of a genuine world community and a framework for solving human problems that transcend national boundaries. Since then, technology and economics have transformed "world community" from a phrase to a fact, and if the World War II generation had not already established the U.N. system, today's would have to create it.

The founders of the United Nations were clairvoyant in many ways. The Charter anticipated decolonization; called for "respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion"; and set up the institutional framework "for the promotion of the economic and social advancement of all peoples." In meeting the Charter's challenges, we make for a more secure and prosperous world.

Through the U.N. system, many serious conflicts have been contained or concluded. Diseases have been controlled or eradicated, children immunized, refugees protected and fed. Nations have set standards on issues of common concern—ranging from human rights to environmental survival to radio frequencies. Collective action has also furthered particular U.S. government interests, such as averting a widening war in the Middle East into which Washington might otherwise be drawn. After half a century, the U.N. remains a unique investment yielding multiple dividends for Americans and others alike.

The U.N.'s mandate to preserve peace and security was long hobbled by the Cold War, whose end has allowed the institutions of global security to spring to life. The five permanent members of the Security Council now meet and function as a cohesive group, and what the Council has lost in rhetorical drama it has more than gained in forging common policies. Starting with the Reagan Administration's effort to marshal the Security Council to help bring an end to the Iran-Iraq war in 1988, every U.S. administration has turned to the U.N. for collective action to help maintain or restore peace. Common policy may not always result in success, but neither does unilateral policy—and, unlike unilateral intervention, it spreads costs and risks widely and may help avoid policy disasters.

Paradoxically, the end of the Cold War has also given rise in the U.S. to a resurgent isolationism, along with calls for unilateral, go-it-alone policies. Developments in many places that once would have stirred alarm are now viewed with indifference. When they do excite American political interest, the impulse is often to respond unilaterally in the conviction that only Washington can do the job and do it right. Without a Soviet threat, some Americans imagine we can renounce "foreign entanglements." Growing hostility to U.N. peacekeeping in some political circles reflects, in large measure, the shortsighted idea that America has little at stake in the maintenance of a peaceful world. In some quarters, resentment smolders at any hint of reciprocal obligations; but in a country founded on the rule of law, the notion that law should rule among nations ought not to be controversial.

The political impulse to go it alone surges at precisely the moment when nations have become deeply interconnected. The need for international teamwork has never been clearer. Goods, capital, news, entertainment, and ideas flow across national borders with astonishing speed. So do refugees, diseases, drugs, environmental degradation, terrorists, and currency crashes.

The institutions of the U.N. system are not perfect, but they remain our best tools for concerted international action. Just as Americans often seek to reform our own government, we must press for improvement of the U.N. system. Fragmented and of limited power, prone to political paralysis, bureaucratic torpor, and opaque accountability, the U.N. system requires reform—but not wrecking. Governments and citizens must press for changes that improve agencies' efficiency, enhance their responsiveness, and make them accountable to the world's publics they were created to serve. Our world institutions can only be strengthened with the informed engagement of national leaders, press, and the public at large.

The American people have not lost their commitment to the United Nations and to the rule of law. They reaffirm it consistently, whether in opinion surveys or UNICEF campaigns. Recognizing the public's sentiment, the foes of America's U.N. commitment—unilateralists, isolationists, or whatever—do not call openly for rejecting the U.N. as they had earlier rejected outright the League of Nations. But the systematic paring back of our commitment to international law and participation in institutions would have the same effect.

In this 50th anniversary year, America's leaders should rededicate the nation to the promise of a more peaceful and prosperous world contained in the U.N. Charter. In that spirit, the United Nations Association of the United States calls on the people and government of the United States, and those of all other U.N. member states, to join in strengthening the United Nations system for the 21st century:

In particular, we call for action in five areas, which will be the top policy priorities of UNA-USA as we enter the U.N.'s second half-century;

Reliable financing of the United Nations system.

Strong and effective U.N. machinery to help keep the peace.

Promotion of broad-based and sustainable world economic growth.

Vigorous defense of human rights and protection of displaced populations.

Control, reduction, or elimination of highly destructive weaponry.

I yield the floor.

RECESS UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9:30 a.m., August 1, 1995.

Thereupon, at 8:07 p.m., the Senate recessed until Tuesday, August 1, 1995, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 31, 1995:

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING ANTHONY T. ALAURIA, AND ENDING THOMAS S. WOODSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 3, 1995.

MARINE CORPS NOMINATIONS BEGINNING DAVID V. ADAMIAK, AND ENDING JOHN G. ZUPPAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 1995.