SENATE—*Thursday, September 21, 1995*

(Legislative day of Tuesday, September 5, 1995)

The Senate met at 9:15 a.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:

Almighty God, from whom no secrets are hidden, and to whom we are accountable for our lives and our leadership, we come to You humbly and with a longing to be in a right relationship with You. If there is anything between us and You that needs Your forgiveness and cleansing, we confess it to You now. If there is any broken relationship with others that needs healing, we ask for Your reconciling power. If we have done or said anything that has hurt or maliciously distressed others, help us make restitution. And if there is any area of our work in which we have resisted Your will and guidance, we open ourselves to Your spirit anew for the challenges of this day.

Father, You have shown us how crucial it is for us to be open, receptive channels for the flow of Your power. Our Nation needs leaders who are Your agents of change, advancement, and creativity. We commit to You all that we have and are that we may think Your thoughts and realize Your plan for our Nation. Accept us as we are in our deep need to You and help is to be all that You intend us to be for Your glory today. In our Lord's name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from North Carolina is recognized.

SCHEDULE

Mr. FAIRCLOTH. Mr. President, this morning the leader time has been reserved, and there will be a period for morning business until the hour of 10 a.m. Following morning business, at 10 a.m., the Senate will resume consideration of the foreign operations appropriations bill and the pending Brown amendment regarding Pakistan. Under the consent agreement, following 60 minutes of debate, there will be a rollcall vote on the Brown amendment. All Members can, therefore, expect a rollcall vote at 11 a.m. this morning. Further rollcall votes can be expected throughout today's session in an attempt to complete action on the foreign operations appropriations bill.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business.

FORMER HOMEWOOD, AL, MAYOR ROBERT WALDROP

Mr. HEFLIN. Mr. President, I rise with great sadness to announce that former Homewood, AL, Mayor Robert Waldrop passed away on September 9. Mayor Waldrop spent 24 years at the Birmingham suburb's helm of city government and was an outstanding, progressive leader who moved his community forward in countless ways during his long tenure. One of his crowning achievements was the establishment of Homewood's excellent school system, widely recognized as one of the State's best systems.

To Bob Waldrop, being mayor came naturally. His father had served as mayor of the Walker County, AL, town of Parrish, serving until he was 86 years of age. Bob was a native of Parrish, an Army veteran, a Mason, and a member of Trinity United Methodist Church and Zamora Shrine.

Since Bob had already retired from his career with the Liberty National Insurance Co. by the time he was first elected mayor in 1968 at the age of 55, he was known as being a full-time mayor for part-time pay. Truly, the city of Homewood was his life.

When Bob Waldrop left the Homewood mayor's office 3 years ago, I did a tribute to him on the floor of the Senate. This was on October 3, 1992. The Homewood City Council had just recently passed a resolution in his honor, and I wanted to have it inserted into the CONGRESSIONAL RECORD. I ask unanimous consent that a copy of my statement and the accompanying resolution from 1992 be printed in the RECORD. It describes his many accomplishments and explains why he was so beloved by so many for so long.

I extend my sincerest condolences to Bob's wife, Louise, and their entire family in the wake of this tremendous loss.

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

[From the Congressional Record, Oct. 3, 1992]

TRIBUTE TO MAYOR ROBERT G. WALDROP

Mr. HEFLIN. Mr. President, we all know of those local elected leaders from our States who, because of their long tenures in office, accomplishments, dedication, and hard work, seem to define the term "public servant." These are the ones who do not necessarily seek headlines, but whose satisfaction comes from doing good things for their communities. I know of no other leader who fits this definition and style of public service more aptly than Homewood, AL, Mayor Robert G. Waldrop. Mayor Waldrop, one of the longest serving mayors in the State, will be leaving his post on October 5, after 24 years of service. More than anyone else, he deserves credit for the success and growth of this Birmingham suburb over the last 24 years.

Mayor Waldrop originally entered the political arena after completing two other full careers: for 15 years, he was a pharmacist and for the 18 after that was a successful insurance agent for Liberty National Insurance Co. He has worked virtually his entire life. As if to portend his career as a pharmacist, his first job was at a drugstore when he was only 12 years of age in the small coalmining town of Parrish, in Walker County. His own father was once mayor of Parrish.

Bob graduated high school in 1932, attended Auburn University for 1 year, then went to Birmingham to study at Howard College, now Samford University. In 1941, he and his wife Louise moved to Homewood. He left school a couple of years later to join the U.S. Army. After the war, he reentered Howard and completed his bachelor's degree in pharmacy.

By the 1960's, Bob had become well known in Homewood as president of the Lions Club and as a member of the library board. In 1968, several concerned citizens prompted him to consider running for mayor. There was a concern among Waldrop and local merchants about the number of small companies which had left the town. Since Homewood was his hometown and its concerns were his, he decided to run, and, if elected, serve one 4-year term. The rest, as they say, is history: he has been mayor ever since, remaining in office a little longer than he had anticipated.

Mayor Waldrop has been in the unique position of watching his city grow and expand from a budget of $1 million to over $7 million. He watched as the library doubled its number of books and services and moved to a new location. He watched Homewood break away from the county school system and establish its own, now recognized as one of the best in the State. He has seen Brookwood Hospital grow into one of the leading health care institutions in the State. He has served on the board of directors of Lakeshore Rehabilitation Complex, helping to make decisions that have resulted in a $7 million renovation of the facility.

During his six terms as mayor, over 100 acres of park land have been added to the city and three swimming pools built. Mayor Waldrop initiated assessment-free street paving and waste pickup. Brookwood Village was constructed, and the Green Springs area annexed into the city during his tenure. In appreciation for his many years of service, Homewood's high school stadium was named in his honor.

At the State level, Bob Waldrop was effective in addressing issues of importance to local officials. He served for a term as president of the Alabama League of Municipalities, which he recounts as a very exciting

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

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time for him. As its president, Mayor Waldrop was instrumental in getting the League's Workers' Compensation Fund established in 1976. He has served on the board of the fund since its inception, and as its president in recent years. He was also on the committee that created the Alabama Municipal Insurance Corp., a mutual insurance company offering liability, property, and casualty insurance to cities and towns. The mayor served on the first board of this company. He presided over the spouses' breakfast at the annual League of Municipalities convention for over a decade.

It is evident to all who know him that Mayor Robert Waldrop has served his community with a tremendous spirit and very apparent that he is a part of Homewood and Homewood a part of him. Although the voters in Homewood, like those in thousands of communities and jurisdictions across the country, opted for change this year, Mayor Waldrop can take pride in the fact that he did an outstanding job in looking after their interests and ensuring the progress of their city. He will long be remembered for his unique role in Homewood's history, and his legacy is one that mayors all over the State and country can look to as one to emulate.

It is my pleasure to commend Bob Waldrop for being the quintessential public servant. I am confident that his community has not seen the last of his tireless devotion. I wish him all the best in his future endeavors.

Mr. President, I ask unanimous consent that a resolution adopted September 14 by the Homewood City Council in honor of Mayor Waldrop be printed in the RECORD immediately following my remarks.

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

RESOLUTION NO. 92-21

Whereas, Robert G. Waldrop has served as Mayor of the City of Homewood, Alabama, since his election to that office in 1968 continuously to the present; and

Whereas, since Mayor Waldrop's election to office in 1968, the City of Homewood has enjoyed tremendous growth, expansion and success in business and opportunity for its residents; and

Whereas, during Mayor Waldrop's tenure as Mayor, he has received numerous awards and commendations, and has expended great energies to the benefit of the residents of the City of Homewood, Jefferson County, and the State of Alabama, which accomplishments include, but are not limited to, the following: (1) original organizer of the Jefferson County Mayor's Association in 1969 and served as its President from 1972 through 1974; (2) a motivating force and promoter of the Homewood School System; (3) honored by the Shades Valley Civitans as the Outstanding Citizen in Homewood in 1970; (4) elected the Boss of the Year in 1971 by the Alabama Business Women's Association; (5) honored by the Homewood Board of Education, by naming the football stadium the "Robert G. Waldrop Stadium" in 1976; (6) was elected President of the Alabama Workmen's Compensation Insurance Corporation for the State of Alabama; and (7) was elected President of the Alabama Legal Municipalities in 1976, and has served for the last fifteen (15) years on the Executive Board of the League; and

Whereas, Mayor Waldrop has provided the excellent leadership necessary for the development and growth of the City which accomplishments include development and expansion of a fine school system, development and expansion of Brookwood Hospital as a premier hospital in the southern portion of Jefferson County, annexation of numerous acres of property for residential and commercial development providing an excellent tax base and residential setting for Homewood residents, all of which growth and developments will be well chronicled in the history of the development of the City of Homewood, Alabama; and

Whereas, the members of the City Council of the City of Homewood desire to express officially, as well as individually, their appreciation for the outstanding services which Robert G. Waldrop has rendered to the City of Homewood and its residents during his twenty-four (24) years of service as Mayor of the City of Homewood; and

Now, Therefore, be it Resolved by the City Council of the City of Homewood, Alabama, at a regular meeting duly assembled, a quorum being present, as follows:

1. That the City Council of the City of Homewood, by the adoption of this Resolution, does publicly commend, thank and state as an expression of appreciation to Mayor Waldrop for the long and dedicated service which he has rendered to the citizens of Homewood as Mayor of the City of Homewood.

2. That the City Council of the City of Homewood desires to make a public statement of their thanks and gratitude to Robert G. Waldrop for his long and dedicated service to the City of Homewood and do by the adoption of this Resolution make such statement.

3. That the City Council of the City of Homewood does direct that a copy of this resolution, after its adoption by the City Council, be distributed to Robert G. Waldrop, members of his family and that appropriate certified copies thereof be forwarded by the City Clerk to such other persons or organizations as she deems appropriate in the premises.

4. That this resolution shall be made a part of the official minutes of the meeting of the Homewood City Council.

THE 80TH BIRTHDAY OF OSCAR HANDLIN

Mr. KENNEDY. Mr. President, September 29 is the 80th birthday of one of the Nation's great thinkers and historians, Oscar Handlin.

For decades, our country has been blessed by his insights and scholarship on our origins as a nation and our character as a people. His lively view of our history shows how America has drawn on the strengths of many nationalities as generation after generation works to build a better future for their children. It is this enduring lesson of our history that has inspired him, throughout his career, to project an optimism regarding our future. As he has often said, "Perhaps our brightest hope for the future lies in the lessons of the past."

Professor Handlin exhibited a scholar's curiosity and thirst for learning early in his extraordinary career. He completed college by the age of 19. Before turning 30, he was invited to join Harvard's faculty. At the time, he had not yet completed his doctorate.

He was a distinguished professor of history and directed various scholarly institutes devoted to the study of American history and ideas. His outstanding leadership as director of Harvard's Center for the Study of Liberty in America and, later, the university's Charles Warren Center for Studies in American History produced a remarkable body of scholarly work and countless young scholars of American history.

Professor Handlin is best known for his extensive works on immigration. Early in his career, he once said, "I thought to write a history of immigrants in America. Then I discovered that the immigrants were American history." He has always maintained that America "is not merely a nation, but a teeming nation of nations."

His doctoral dissertation analyzed the adjustment of immigrants in Boston. It was first published in 1941 and was republished on its fiftieth anniversary in 1991 because of the continuing public interest in his scholarship. His basic work on immigration, The "Uprooted," was first published in 1951. It won the Pulitzer Prize and to this day is considered a classic on America's immigrant history.

Professor Handlin's appealing writing style allowed him to touch a generation of Americans far beyond the confines of the academic world. His observations on our history dealt movingly with the experiences of immigrants from the beginning of our history. During his brilliant career, he published nearly a book a year, and each received wide acclaim.

As he notes, Americans have argued over immigration for centuries. To those concerned that today's immigrants will not adjust to America and contribute to American life, he replies that in 1850, 27 languages were spoken in Boston. Yet, these immigrants quickly learned English and joined our communities, just as immigrants are doing today.

When asked last month whether he still viewed our ethnic diversity a basic strength, he responded unequivocally, "More so than ever."

As we consider immigration reform today, we would do well to keep Professor Handlin's insights in mind. I know my colleagues join me in commending the contributions of this great scholar and outstanding American. I wish many happy returns as he and his family celebrate his 80th birthday this weekend.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, on that evening in 1972 when I first was elected to the Senate, I made a commitment to myself that I would never fail to see a young person, or a group of young people, who wanted to see me.

It has proved enormously beneficial to me because I have been inspired by the estimated 60,000 young people with

whom I have visited during the nearly 23 years I have been in the Senate. Most of them have been concerned about the enormity of the Federal debt that Congress has run up for the coming generations to pay.

The young people and I almost always discuss the fact that under the U.S. Constitution, no President can spend a dime of Federal money that has not first been authorized and appropriated by both the House and Senate of the United States.

That is why I began making these daily reports to the Senate on February 22, 1992. I wanted to make a matter of daily record of the precise size of the Federal debt which as of yesterday, Wednesday, September 20, stood at $4,967,473,200,287.86 or $18,856.61 for every man, woman, and child in America on a per capita basis.

THE REED FAMILY OF POPLAR BLUFF, MO

Mr. ASHCROFT. Mr. President, today I rise to salute a family from southeastern Missouri whose dedication to providing a better life for their children and whose commitment to education serves as a model for parents and families across America.

Ferdie Reed had to leave school in the sixth grade to work in the cotton fields outside his home of Poplar Bluff, MO, and has worked as a night watchman at Three Rivers Community College for the past 28 years. He married Lillie Mae Arrington in 1950 and together they raised eleven children, stressing the values of hard work and responsibility as the keys to a successful future. Ferdie worked hard to provide for his family by farming, while holding other jobs. Lillie devoted herself to her family as a full time mother and was active in the work of the Reed's local church. She proved to be an inspiration for her children by going back to school and earning her General Equivalency Degree.

The emphasis the Reed family places on education and their example of hard work was followed by their 11 children, all of whom graduated from Three Rivers Community College in Poplar Bluff. Ten of the children have also gone on to earn bachelors' degrees at 4-year universities. Together, the 11 Reed children have more than 170 years of education.

Recently, the Reeds were honored in their home of Poplar Bluff for their dedication to education and the positive impact they have had on their children and their community. I join today in honoring Ferdie and Lillie Reed, as well as their children, Wendell, Ferdie Jr., Linda, Brenda, Sharon, Patricia, Kathryn, David, Karen, Paul, and Mary Ann for their significant achievements. I salute them for their dedication, determination, and perseverance in the pursuit of a better life through education.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that further proceedings under the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FAIRCLOTH). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

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

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1996

The PRESIDING OFFICER. Under the previous order, the hour of 10 a.m. having arrived, the Senate will now resume consideration of H.R. 1868, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1868) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996.

The Senate resumed consideration of the bill.

Pending:

Helms (for Dole/Helms) amendment No. 2707 (to committee amendment on page 2, line 25), to provide for the streamlining and consolidation of the foreign affairs agencies of the United States.

Brown amendment No. 2708 (to committee amendment beginning on page 15, line 17 through page 16, line 24), to clarify restrictions on assistance to Pakistan. (By 37 yeas to 61 nays (Vote No. 452), Senate earlier failed to table the amendment.)

Murkowski amendment No. 2712, to set forth requirements for implementation of the Agreed Framework Between the United States and North Korea Act relating to the Korean Peninsula Energy Development Organization.

AMENDMENT NO. 2708

The PRESIDING OFFICER. Under the previous order, there will now be 1 hour of debate on the Brown amendment No. 2708, equally divided.

Mr. BROWN addressed the Chair.

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

Mr. BROWN. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. So ordered.

Mr. BROWN. Mr. President, this amendment is about simple fairness. We have taken their money. We have obtained a contract to deliver equipment, and we do not want to deliver that equipment. I understand the feelings of those Members who have that position. But, Mr. President, it is wrong to take somebody's money and not deliver the equipment and not give them their money back.

If this were Sears, Roebuck in the United States, we would lock them up. The consumer protection laws do not apply to the U.S. Government, but, Mr. President, simple fairness does. The American people understand this issue because they understand what it is like when someone who is selling something takes their money and does not deliver either the product or the money. That is what this amendment is all about. It is about fairness, and it is about saying either give them their money back or give them the equipment they contracted for.

Mr. President, I retain the remainder of my time.

Mr. GLENN. 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. BROWN. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. COVERDELL). Without objection, it is so ordered.

Mr. BROWN. Mr. President, parliamentary inquiry.

Under the quorum call that just took place, how is the time charged to each side?

The PRESIDING OFFICER. It was charged to the Senator that suggested it.

Mr. GLENN. Would the Chair repeat?

The PRESIDING OFFICER. It was charged to the Senator who suggested it.

Mr. BROWN. Mr. President, my sense is that fairness would require that it be charged to both sides equally.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BROWN. I suggest the absence of a quorum and request the time be charged equally to both sides.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that further proceedings under the quorum call be rescinded.

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

Mr. GLENN. Mr. President, I cannot disagree more with my distinguished colleague from Colorado when he says this is just a matter of fairness about giving money back as though we ordered something from Sears, Roebuck and did not get it so we ought to get our money back. That is such a simplistic view that it mocks what we

have been trying to do with our nonproliferation policy, our nuclear nonproliferation policy for the last 30 years.

We have tried to prevent the spread of nuclear weapons around this world. That is what this issue is all about. It is a nonproliferation issue. The question: Are we serious about a U.S. leadership role in nonproliferation policy or are we not? I share the concern that Pakistan should get its money back, but not at the expense of dumping our nuclear policy and making our efforts around the world to further nuclear nonproliferation be mocked by the 178 nations that signed up under the Non-Proliferation Treaty. That is what this is all about.

Pakistan has been the most egregious violator. They refused to join the NPT and refused to cooperate and repeatedly told us untruth after untruth after untruth after untruth, lie after lie after lie, about their intentions on nuclear weapons.

They deliberately misled us—misled me personally. I was over there a couple times. Once I met with President Zia; with Yaqub Khan, the Foreign Minister; Mir Khan, from their atomic energy commission. They told me they had no program at all. They said that our intelligence was just flat wrong.

Prime Minister Benazir Bhutto repeatedly has made statements that they have no nuclear weapons objectives. And yet we know that is not true. So what this is about is not just about fairness of giving the money back as though a purchase had been made at Sears; this is a matter of nonproliferation and are we serious about it or not?

We all love to get up and make our press conference statements about how much we are against nuclear proliferation and we do not want to see nuclear weapons spread to more nations around the world. We, in fact, right now are getting control of our nuclear weapons stockpiles with the former Soviet Union, now the Russians, and we are scaling those down. At the same time we asked other nations, "Please do not go ahead with nuclear weapons programs. We will cooperate with you if you do not."

We cooperated with Pakistan when they were threatened and mutual interest indicated we should send weapons to the Mujaheddin in Afghanistan. It was in Pakistan's interest we do that, also. It was not just a gratuitous favor to the United States.

Through the years over and over we were assured Pakistan had no nuclear weapons program by their officials when we knew they did. During this time period we were successful in turning off a Taiwanese effort to start a nuclear weapons program. We were successful in turning off a South Korean effort to start a nuclear weapons program. South Africa, they finally gave up on their efforts after having a nuclear weapon or being close to it. Argentina and Brazil ceased their efforts. And 178 nations signed up under NPT. This is a great success story.

Do we mean it when we say we have a nonproliferation policy or not? I am very critical of this administration. I sent a long letter to the President with my position on this back in April. I included it in the RECORD last night. I think this is sort of a test case here. Do we mean it or not? If we let Pakistan go ahead and say we reward them then with all sorts of help, with economic aid, with all the things that are going on with the weapons program, with the spare parts, with things like that, with new missiles, and we reward them for these efforts, it makes a mockery—makes a mockery—out of our nonproliferation efforts when other nations say they may want to do the same thing that Pakistan has already done.

The international nuclear trade has been going up, I am sorry to say. We should be trying to cut it back. We passed legislation—we passed the Glenn–Symington amendment to deal with this way back. We passed the Pressler amendment later on that was Pakistan-specific, and should have been. It is the way it should be. But the Congress was unwilling to give a complete blank check to Pakistan, and stipulated in our waiver legislation that Pakistan would still be cut off if it received or exploded a nuclear device. "Received"—in other words, gained that capability.

Congress stipulated that an annual report would be provided on Pakistan's nuclear activities so that Congress could confirm that the United States assistance was indeed inhibiting Pakistan's bomb program, as was confidently assumed by Reagan administration officers. Waiver after waiver after waiver, which I went through in detail last night, waiver after waiver after waiver for Pakistan. And every time one was granted, it was granted on the basis that we need to be their friends so they will not continue along this route.

And we have that whole trail of broken promises, one after another after another. The result of all of this, all the untruths that were told to us, all this mendacity, plus ongoing information that the program was progressing, resulted in the Pressler amendment.

Well, the CIA, to their credit, was skeptical that any of these things would work back at that time. And they were right. So now we have the effort to give the money back. And it is supposedly that they would like to have you think that the proposal from the other side was that they just paid all this money out there, and then we jerked the rug out from under them.

The fact is that out of the $858 million, $50 million was paid before Pressler; the rest of it was all paid after the Pressler amendment was adopted, and Pakistan knew full well what they were doing. They knew exactly what they were doing, and they continued and paid the rest of that money after the Pressler amendment was adopted, hoping that we would back down, that we were not serious about our nuclear nonproliferation policy, and they were right. We backed down. The United States of America is still backing down on nuclear nonproliferation.

It is not easy for the Pakis, because they are entitled to some sympathy in their national security plight in South Asia. They fought three wars with a much larger adversary, India, who was also pursuing a nuclear weapons program and had exploded a device in 1984, and mainly built their program because of China's nuclear efforts.

I do have sympathy for them in that regard, but I do not have much sympathy when they have deliberately misled us, lied to us all through the years.

Mr. President, one after the other, officials in Pakistan have not told us the truth. I said before my own personal experience in meeting with President Zia, the foreign minister, Yaqub Khan, and from the atomic energy commission, Mir Khan, was that they all assured us they had no program when we knew that they did.

Let me read a few quotes. Back in 1988, opposition leader Benazir Bhutto, shortly before coming Prime Minister:

> We don't want any controversy [with the U.S.] on the nuclear issue . . . We want it clear beyond doubt that we're interested only in energy, not nuclear weapons.

Again, interview with Time magazine, November 1988:

> We believe in a peaceful [nuclear] program for energy purposes and nothing else.

Prime Minister Benazir Bhutto, interview in Calcutta Telegraph, December 1988:

> I can tell you with confidence that there is no bomb programme in Pakistan . . . There is no bomb programme . . . there is no bomb programme.

December, 1988:

> We're committed to a peaceful energy program. We don't have any [nuclear] weapons policy . . . Pakistan doesn't have any intention to get a nuclear device or a nuclear weapon.

Another one in June 1989, Prime Minister Benazir Bhutto, in an address before a joint meeting of Congress, right down the hall, a joint meeting of Congress, and made this statement to all of us. I was in attendance at that meeting:

> Speaking for Pakistan, I can declare that we do not possess nor do we intend to make a nuclear device. That is our policy.

New York Times, 1989 interview with Prime Minister Benazir Bhutto:

> Pakistan has not, nor do we have any intention of putting together or making, a bomb, or taking it to the point where you can put it together.

So much for the word of Pakistan.

So when we say, Mr. President, that this is an issue of just giving the money back, as though we have made a deal at Sears someplace, that is extremely misleading, and I disagree with that characterization of what this is about.

What this is about is whether the United States has a nuclear nonproliferation policy and whether we are truly willing to stick to it or are we not. Do we have the guts to make the tough decisions in the interest of seeing nuclear weapons not spread further around the world, just at the same time we are trying to get our own nuclear weapons stockpiles and those of the former Soviet Union under control and doing a good job in that area.

Mr. President, that is what this vote is all about. I know from the vote yesterday what the vote is likely to be today. I think it is a wrong vote because it sends all the wrong signals to the 178 nonproliferation members around the world who are doing what we wanted them to do, what we tried to lead them to do and which they have continued to do, and that is try and stop the spread of nuclear weapons around the world. That is what this vote is all about.

I reserve the remainder of my time.

Mr. BROWN addressed the Chair.

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

Mr. BROWN. I yield myself 3 minutes.

Mr. President, there are several important points raised by the distinguished Senator from Ohio that I would like to address. One is the suggestion that we have somehow backed down on our nonproliferation objective or let Pakistan off the hook if this amendment is adopted.

I sincerely believe that is an inaccurate statement, and I want to draw the attention of the Members to the facts. The reality is, if this amendment is adopted that our restriction against military assistance stays in place and it stays in place even though Pakistan has significant national security problems, our restriction against military sales stays in place, and it does so even though they have a great need and want to buy equipment from the United States.

For a country that is in need of assistance and in need of weapons, those are significant and major restrictions, and to throw them away or ignore them, I think, ignores the facts. The fact is, they are strong sanctions that are in place and continue in place if the amendment is adopted.

We should not forget the fact as well that Pakistan signed a contract for these some 9 years ago, for other parts 8 years ago, and for other parts 7 years ago. They paid for those, and whether they paid all up front or paid in installments, as most people do, I think misses the point.

The fact is, they paid for these, they contracted for these. These items they have contracted for have sat around. Does anybody think military equipment that was due for delivery 5 years ago is as valuable today as when it came up? Of course, not.

So to suggest there have not been and do not continue to be enormously significant sanctions in place against Pakistan is to simply ignore the facts. It is misleading, I think, to say that there are not major penalties that we have demanded that the Pakistanis pay and will continue to pay in the future.

Mr. President, a great deal has been made about disingenuous statements by the Pakistanis with regard to their nuclear program. I, for one, think it is regrettable that that has happened. But, we should not be holier than Thou when we talk about misleading statements regarding national security. Are our memories so short around here, particularly with regard to Pakistan? Does not anyone recall that Francis Gary Powers' flight took off from Pakistan, an area we asked the Pakistanis to make available to us, at a base we asked them to let us fly out of, to fly over and spy on the Soviet Union? Has everyone forgotten how important that was to national security?

Incidentally, does anyone remember what President Eisenhower said when he was asked about it? No one has mentioned that today. But if you want to talk about disingenuous statements, what about President Eisenhower? Are we so holy we have forgotten it? This emanated from Pakistan. President Eisenhower denied the flights. Was it an incorrect statement? Of course it was. Why did he do it? To protect our national security.

Does anybody remember what President Kennedy said with regard to the Bay of Pigs? We do not dwell on it, but before we get so holy, before we get too holy, remember, Americans have felt a need to protect their national security, too, and it is strange that people would talk about the phenomenon of nuclear weapons with regard to Pakistan and not be willing to talk about the phenomenon of nuclear weapons with regard to India.

My own view of this is that we want to be friends with both India and Pakistan. We want to stand beside them. We want to work with both of them. Perhaps it was not widely noticed, but I was the prime critic of the administration when it was slow to name an ambassador to India. It seemed to me that was an important function to do, with a country that should be our friend and we want to work with.

I spoke out against the bashing of India over the question of Kashmir. I believe what we want is a balanced policy, but, Mr. President, we should not look at the questions regarding Pakistan's national security in a vacuum.

To assume that we are going to have a policy that denies Pakistan nuclear weapons and not comment about India's nuclear weapons is a mistake. To assume we are going to bash Pakistan for trying to find missiles and not say anything about India's missile program is a mistake. What we ought to have is a balanced policy in that part of the world, not a one-sided policy.

I retain the remainder of my time.

Mr. President, I yield 10 minutes to the distinguished Senator from Iowa.

Mr. HARKIN. Mr. President, I want to compliment the Senator from Colorado on his diligence and his effort to bring some rationality and reason to this debate, to try to get us to focus on fairness and equity in dealing with this part of the world.

I certainly would not want any of my comments that I made last night in the debate, or any I might make now, to be construed to indicate in any way that I have it in for India. That is not it at all. But I do believe that the history of our relations with Pakistan are such that we have to start dealing in a more evenhanded fashion in that part of the world.

Last night in my remarks, I went over the long history of Pakistani-United States friendly relations. I do not mean to belabor that again and go over that, other than to just say that going clear back to when Pakistan got its independence, Pakistan has always been oriented toward the United States. They supported us in the Korean war. As the Senator from Colorado pointed out, the flights of the U-2 over the Soviet Union came from Pakistan. After the U-2 was shot down, Nikita Khrushchev threatened Pakistan with nuclear weapons. Pakistan stuck with the United States. In the gulf war, Pakistan helped us out; they were on our side. In Somalia—and even in Haiti, Pakistan has sent troops to help restore democracy to Haiti.

So in almost everything that we have done, Pakistan has been our strong friend and ally. Yet, I believe we have not treated them evenhandedly. All this really is is a question of fairness.

Last night, I quoted—and I want to repeat that—the statement by the Secretary of State, Warren Christopher, in a letter dated September 20 to Senator DASCHLE. He said:

> We appreciate the bipartisan interest we have seen in improving our relationship with Pakistan. We would support an amendment that would permit aid to Pakistan that is in our own interest, such as trade promotion, counternarcotics assistance, and counterterrorist programs. We also support language that would allow for the return of military equipment for which Pakistan has already paid. To engage Pakistan on issues of concern to us, including nonproliferation, it is essential to resolve this unfair situation.

That is what the Brown amendment does.

Again, Mr. President, I ask unanimous consent that this letter, dated

September 20, from Secretary of State Christopher, be printed in its entirety in the RECORD at this point.

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

THE SECRETARY OF STATE,
Washington, DC, September 20, 1995.

Hon. THOMAS A. DASCHLE,
Democratic Leader,
U.S. Senate.

DEAR SENATOR DASCHLE: As the Senate begins consideration of the FY 1996 Foreign Operations Appropriations bill, I would like to address several issues in the version of the bill as reported by the full Appropriations Committee.

At the outset I would like to thank Chairman McConnell and Senator Leahy for their willingness to work with us and to include priority initiatives such as a long-term extension of the Middle East Peace Facilitation Act (MEPFA) and a drawdown authority for Jordan in the subcommittee mark. We would oppose any amendments that would alter the carefully negotiated language for either of these initiatives. Also, we appreciate the Subcommittee's removal of objectional conditions adopted by the House on population assistance and aid to Turkey, Haiti, and Mexico. We hope to continue in this cooperative fashion to produce a Foreign Operations bill that can be presented to the President with bipartisan support.

Despite the favorable aspects of the legislation, there are several items that are of great concern to the Department of State. The funding levels throughout the bill are well below the President's request level. The Foreign Operations cuts, coupled with the cuts being proposed to international programs in the Senate's Commerce, Justice, State Department Appropriations bill, represent a serious threat to America's leadership in international affairs.

The bill also contains numerous earmarks and substantially restructures our foreign aid accounts. We expect international agencies to do their share in the effort to balance the budget as the President's budget plan makes clear. However, we, the Administration, should have the flexibility to apply funds to the programs that provide the best results. Earmarks in our programs for the New Independent States, International Counternarcotics, and economic assistance would prevent us from being able to respond to the crisis and unexpected requirements of the post-Cold War world. Further, the proportionality requirement in the new Economic Assistance account restricts our ability to change the distribution of these funds from year to year. We oppose these restrictions.

The bill also contains a number of objectionable policy provisions. Restrictions on our ability to contribute to the Korean Energy Development Organization (KEDO) would, in effect, prevent U.S. funding of KEDO and greatly hinder, if not destroy, the international effort to implement the Agreed Framework. We oppose linking KEDO funding to substantial progress on North Korean/South Korean dialogue. Imposing an artificial and unrealistic deadline on North/South talks, which have taken years to progress, will hold hostage the very funding that will facilitate the progress we all so desire. We remain convinced that the North/South dialogue will move forward substantially as a result of the Agreed Framework and the creation of KEDO. Our failure to contribute to KEDO will threaten its ability to meet its obligations under the Framework and, consequently, invite North Korean non-compliance. The Agreed Framework is working. North Korea has frozen its nuclear weapons program. We need Congressional support for KEDO to keep the freeze in place.

Regarding assistance to the New Independent States (NIS) and Russia, we have reached a critical moment in the reform process. Continued funding is essential. It can make a major difference in whether reformers in Russia, Ukraine, Armenia, Moldova and other states will be able to maintain momentum, or the opponents of reform will halt the development of democratic market societies. We need to stay the course for this transitional period, while normal trading and investment relationships develop in the former Soviet states. We very much appreciate the continued support we have received from the Congress, and the Senate Appropriations Committee in particular, for this critical effort, as reflected in this bill.

At the same time, however, we oppose new conditions on assistance to the NIS. It is of course tempting to withdraw our assistance as punishment when we do not agree with Russian actions or policies. But this would be a mistake. This assistance is in our national interest. Cutting or restricting aid would hurt reformers, the very people who have protested the war in Chechnya, criticized Russia's proposed nuclear sale to Iran, or insisted that Russia end cooperation with Cuba. We urge you to remove such conditions from this bill. Let me assure you that we share your concerns about Russia's policies in these areas; that is why we continue to work on other fronts to stop the Russian nuclear reactor sale to Iran and to prevent completion of the Cuban reactor project.

We also urge you to restore the national security waiver for the certification requirement on violations of territorial integrity, which has been removed from the Senate version of this bill. It is important that the President retain the ability to determine whether the national security of the United States justifies a waiver of this requirement. Moreover, removal of the waiver provision could have unintended consequences, such as prohibiting humanitarian assistance to the victims of regional conflicts in countries such as Armenia.

The language regarding restrictions on the termination of sanctions against Serbia and Montenegro also reflects objectionable House language carried over in the Senate bill. The recent combination of NATO's resolve and energetic United States leadership on the diplomatic front has led to some encouraging opportunities for a negotiated settlement to the conflict. To prematurely close off any avenues that may lead to a diplomatic settlement, including adjustments to the sanctions regime against Serbia, would complicate our efforts.

We appreciate the bipartisan interest we have seen in improving our relationship with Pakistan. We would support an amendment that would permit aid to Pakistan that is in our own interest, such as trade promotion, counternarcotics assistance, and counterterrorism programs. We also support language that would allow for the return of military equipment for which Pakistan has already paid. To engage Pakistan on issues of concern to us, including non-proliferation, it is essential to resolve this unfair situation.

There remain other problematic issues in the bill, but we are encouraged by the willingness of the bill's managers to work with us, and we hope that these other issues can be resolved on the Senate floor or in conference.

Sincerely,

WARREN CHRISTOPHER.

Mr. HARKIN. Mr. President, there is also a letter from Secretary Perry, the Secretary of Defense, who said:

This is an effort to resolve issues involving "fairness" that have become a major irritant in our relationship with Pakistan—it is in no way an effort to resume a military supply relationship. Meanwhile, our ability to work with Pakistan to achieve nonproliferation goals is eroding. The status quo, unfortunately, offers few incentives for future cooperation or restraint by Pakistan—or by India, whose nuclear and missile programs are also of concern.

We do not hear much talk about that around here. The nuclear programs and the missile programs of India ought to be a big concern of ours also.

Secretary Perry concluded:

If we succeed in putting this issue behind us, we will be in a better position to engage Pakistan in a constructive way on issues of concern to us, particularly nonproliferation.

I ask unanimous consent that the letter from Secretary Perry, dated August 2, also be printed in the RECORD.

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

THE SECRETARY OF DEFENSE,
Washington, DC, August 2, 1995.

Hon. SAM NUNN,
Ranking Democrat, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR SENATOR NUNN: For the past six months, the Administration has wrestled with the difficult problem of trying to build a stronger, more flexible relationship with Pakistan—an important moderate Islamic democracy in a troubled region which has been a long-time friend and has become a major partner in peacekeeping operations—while promoting the very important nonproliferation goals of the Pressler Amendment.

Based on a detailed review within the Administration and consultations with Congress, the President has decided to address this matter on three fronts:

First, he strongly supports provisions already contained in the House and Senate versions of the Foreign Aid Authorization bill that would permit us to resume economic assistance and limited military assistance affecting clear U.S. interests (including assistance in peacekeeping, counterterrorism and counternarcotics as well as IMET).

Second, the President has decided to seek authority, as provided by an amendment to be proposed by Senator Brown, that would release approximately $370 million worth of embargoed military equipment purchased by Pakistan before the imposition of Pressler sanctions. This authority would specifically exclude the release of the F-16s. Among the items that would be released are three P-3C

Orion maritime patrol aircraft, Harpoon anti-ship missiles, counter-mortar radars, howitzers, and support kits for F-16s and Cobra helicopters already in the Pakistani inventory. These items will not disturb the conventional arms balance in South Asia which overwhelmingly favors India.

Finally, the President has decided that, rather than releasing the 28 F-16s to Pakistan, he will seek to sell them to a third country and deposit the proceeds of any sale in the Pakistan Trust Fund to reimburse, as much as the sale permits, Pakistan's investment in these aircraft.

While we recognize that this is not a perfect solution, it is, we believe, the course which will best help us resolve a difficult problem with a country which has long been a friend. This is an effort to resolve issues involving "fairness" that have become a major irritant in our relationship with Pakistan—it is in no way an effort to resume a military supply relationship. Meanwhile, our ability to work with Pakistan to achieve nonproliferation goals is eroding. The status quo, unfortunately, offers few incentives for future cooperation or restraint by Pakistan—or by India, whose nuclear and missile programs are also of concern. If we succeed in putting this issue behind us, we will be in a better position to engage Pakistan in a constructive way on issues of concern to us, particularly nonproliferation.

The second aspect of this three-part effort—embodied in Senator Brown's pending amendment to provide authority to release the embargoed Pakistan equipment other than the F-16s—may be coming to a vote very shortly. I urge you to support our efforts to resolve this problem by supporting Senator Brown's amendment when it is offered.

Sincerely,

WILLIAM J. PERRY.

PUTTING THE RELEASE OF EMBARGOED PAKISTANI EQUIPMENT INTO PERSPECTIVE

The total package has a value of $368 million—not $700 million as has been reported.

Although the P-3C Orion provides a long-range offensive capability, three aircraft would hardly disturb India's nearly 2 to 1 advantage over Pakistan in naval systems:

It is claimed that the P-3s provide a "lethal stand off capability" against Indian naval targets as far south as Cochin; however, it should be noted that because the Pakistan Navy has no aircraft carriers (of which the Indian Navy has two), the Pakistanis would be unable to provide fighters to escort these slow aircraft when operating at such a great distance from Karachi—thus leaving them vulnerable to interception by either land-based Indian Air Force fighters or carrier based Indian Navy aircraft.

It is incorrect to say that the P-3C represent a new weapons system for the region as the Indian Navy already has two squadrons of similar maritime patrol aircraft that include five Il-38 (the Russian version of the P-3) and eight Tu-142 Bear F aircraft. While these aircraft do not have a system equivalent to the Harpoon, they do have equipment to locate submarines and are capable of launching torpedoes.

The Indian Navy also possesses an anti-ship missile, the Sea Eagle, which is similar to the Harpoon. Although not capable of being launched from the maritime patrol aircraft mentioned above, the Indian Sea Eagles can be carried on the Sea Harrier jets and the Sea King helicopters which operate from India's two aircraft carriers—thus giving the Indian Navy a more formidable long-range strike capability than that provided by three P-3s.

C-NITE would enable Pak Cobra helicopters to launch TOW 2 anti-tank guided missiles at night; however, these 19 helicopters, so equipped, would hardly offset India's 2 to 1 advantage (by over 2000 tanks) over Pakistan.

The Pakistani F-16s are already equipped with the AN/ALR-69 radar warning receiver and AN/ALQ-131 electronic counter measures jamming equipment. These are defensive rather than offensive systems. The ALR-69 alerts the pilot that a radar has "painted" his aircraft; the ALQ-131 electronically deflects the hostile missile. The ALR-69 and ALQ-131 kits that would be released would enhance the reliability of these systems rather than provide any new military capability.

Since Pakistan has previously received over 200 AIM-9L air-to-air missiles, the release of 360 more will not provide any new capability. Furthermore, India will still enjoy an almost 2 to 1 advantage in jet combat aircraft over Pakistan to include a better than 2 to 1 advantage in aircraft equivalent to the Pakistani F-16s (i.e., MiG-29 and Mirage 2000).

The 24 howitzers that would be released to Pakistan are M198 155 mm towed howitzers. Given the fact that the Indian Army has over 3000 towed artillery pieces (almost twice the number in the Pakistani inventory), 24 more will not make a significant difference. It should be noted that during the nearly five years that these howitzers were embargoed, India acquired over 250 equivalent artillery pieces from Czechoslovakia and Russia/USSR.

In regard to MK-46 torpedoes, Pakistan will receive parts that constitute less than one operational MK-46.

As for the 2.75" rockets, these constitute a resupply of ammunition for one of the weapons systems on the Pakistani Cobra helicopters—they do not give Pakistan any new capability.

BROWN AMENDMENT TEXT

Add the following subparagraph to section 620E of the Foreign Assistance Act of 1961:

( ) Applicability.—(a) The restrictions of section 620E(e) of the Foreign Assistance Act of 1961 shall continue to apply to contracts for the delivery of F-16 aircraft to Pakistan.

(b) Notwithstanding the restrictions contained in section 620E(e), military equipment, technology or defense services, other than F-16 aircraft, may be transferred to Pakistan pursuant to contracts of cases entered into before October 1, 1990.

IMPACT OF THE BROWN AMENDMENT

The proposed legislation would authorize the release of approximately $368 million worth of military equipment purchased by Pakistan before the imposition of Pressler sanctions (1 October 1995) but not delivered to Pakistan due to Pressler sanctions. Specifically prohibited from release to Pakistan under this legislation are the 28 Pakistani F-16s. Items to be released include:

Item	Stored quantity	Stored value (millions)	Funding source
Army:			
C-NITE modification kits	18	$24.1	FMF.
M198 Howitzers	24	18.7	FMF/Cash.
TPQ-36 radars	4	10.5	FMF.
M-Series rebuild parts	NA	6.8	FMF.
TOW launchers	135	6.1	FMF.
2.75 inch rockets	16,720	9.4	FMF.
Miscellaneous Army items	NA	1.7	FMF/Cash.
Army subtotal		77.4	
Navy:			
P-3C aircraft	3	138.1	FMF.
Harpoon missiles	28	30.8	FMF/Cash.
AIM-9L missile components	360	19.7	FMF/Cash.
MK-46/Mod 2 torpedo components	NA	.1	Cash.
Miscellaneous Navy items	NA	2.1	FMF/Cash.
Navy subtotal		191.8	
Air Force:			
Peace Gate II support equipment, 220E engine kits	30,968	28.5	FMF/Cash.
Depot engine spares program	4,746	8.0	FMF.
ILC kits: Spares for ILC, ALQ-131, F-100, ALR-69, support	2,035	7.9	FMF/Cash.
Peace Gate III support package:			
Peculiar support equipment	37	.9	FMF.
Engine spares	511	9.1	FMF.
Spares	154	1.6	FMF.
Standard support equipment	67	.4	FMF.
Peace Gate IV support package:			
Engine components	14	.1	Cash.
Developmental support equipment	144	8.0	Cash.
Standard support equipment	386	1.2	Cash.
Non-standard support equipment	9	.5	Cash.
Standard spares	204	1.3	Cash.
Test equipment	NA	.1	Cash.
ALQ-131 pods and spares	20	21.7	Cash.
Class A explosives	245,046	1.5	Cash.
Other Air Force items	NA	8.2	FMF/Cash.
Air Force subtotal		98.8	
Grand total		368	

INITIATIVE TO STRENGTHEN RELATIONS WITH PAKISTAN

After extensive review and consultations with Congress, President Clinton has decided to support legislation to permit a stronger and more flexible relationship with Pakistan, while maintaining the nonproliferation goals of the Pressler Amendment.

The President's decision builds on provisions already in the House and Senate versions of the Foreign Aid Authorization bills, which would permit the United States to resume economic assistance and limited forms of military assistance (including IMET, counternarcotics, counterterrorism and peacekeeping assistance) to Pakistan.

The President has decided to seek authority, as provided for in legislation proposed by Senator Brown, to release to Pakistan approximately $370 million in military equipment, exclusive of F-16s, contracted for by Pakistan prior to the imposition of Pressler sanctions in October, 1990.

This equipment includes air-to-air and anti-ship missiles, radars, howitzers, three P-3C Orion Aircraft, and support kits for the F-16s already in Pakistan's inventory. This non-strategic equipment does not have the symbolism that the F-16s have come to acquire in the region. Release of this equipment would be a one-time exemption to the Pressler Amendment. We do not seek repeal of the Amendment or a resumed military supply relationship with Pakistan.

The President also decided not to seek release of the 28 F-16s in the pipeline. Instead, he will seek to sell the aircraft and return the proceeds of any sale to Pakistan, to reimburse as much as possible of the $684 million that Pakistan has expended on these aircraft.

Putting these issues behind us will permit a more normal and productive relationship between Washington and Islamabad, without which real progress on nonproliferation and other issues of importance to the United States will remain difficult.

Finally, in making his decision, the President stressed the importance of there being

no substantial change in the status quo in Pakistan with regard to nonproliferation issues of concern to the United States. In particular, we expect that Pakistan will exercise restraint in the nuclear and missile areas.

Mr. HARKIN. On July 28, to the National Press Club, Secretary of State Christopher responds to a question. This gets to the heart of the arguments made by the Senator from Ohio and the Senator from Michigan about the so-called evidence that justifies the impositions of sanctions.

Here was the question:

Will the Clinton administration order additional sanctions against China for supplying missile technology to Pakistan and Iran?

SECRETARY CHRISTOPHER. As I mentioned in my remarks, we are concerned about proliferation issues, and we are certainly concerned about it as they relate to South Asia. We monitor it very carefully and very closely.

At the present time, although there is a fairly large body of evidence, we do not think there is the evidence there that would justify the imposition of sanctions.

I ask unanimous consent that that be printed in the RECORD, also.

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

ADDRESS BY SECRETARY OF STATE WARREN CHRISTOPHER ON U.S. NATIONAL INTEREST IN THE ASIA-PACIFIC REGION, NATIONAL PRESS CLUB, WASHINGTON, DC, JULY 28, 1995

QUESTION. Will the Clinton Administration order additional sanctions against China for supplying missile technology to Pakistan and Iran?

Secretary CHRISTOPHER. As I mentioned in my remarks, we are concerned about proliferation issues, and we are certainly concerned about it as they relate to South Asia. We monitor it very carefully and very closely.

At the present time, although there is a fairly large body of evidence, we do not think there is the evidence there that would justify the imposition of sanctions. But I want to assure all that we feel an obligation to keep this matter carefully under review and to follow and comply with the law in this regard.

Mr. HARKIN. Again, I want to point out that under the missile technology Control Regime, which has been talked about by the Senator from Michigan and the Senator from Ohio, even under that, even if MTCR sanctions were imposed tomorrow, all of the items in the Brown amendment could still go to Pakistan, because MTCR violations only prohibited new licenses to Pakistan and China. These items were already licensed in the 1980's.

Again, Mr. President, there is a lot of talk about Pakistan not admitting certain things. I think the Senator from Colorado answered that quite adequately.

Again I would just ask a question: Has India ever admitted that they have a nuclear weapon? We know that they detonated one in 1974. Has India ever admitted that they have a nuclear weapon? If not, are they lying to us, also?

I think that is enough of that. Mr. President, I want to close my remarks by pointing out that Pakistan has always gone the extra mile to try to get a reasonable solution and compromise in that part of the world with India. Let us keep in mind what we are talking about here. We have India, a large nation with 981 million people, confronting Pakistan, a small country with only about 125 million people. We have to kind of keep that in context.

I want to review for my colleagues some of the proposals that Pakistan has put forward, going back over 20 years. First of all, Pakistan proposed to establish a nuclear-weapons-free zone in south Asia in 1974.

In 1978, they proposed to issue a joint Indo-Pakistan declaration renouncing the acquisition and manufacturing of nuclear weapons.

In 1979, they proposed to have mutual inspections by India and Pakistan of nuclear facilities.

Also in 1979, they proposed simultaneous adherence to the Non-Proliferation Treaty by India and Pakistan.

Again in 1979, they proposed to endorse a simultaneous acceptance of full-scope international atomic energy safeguards and to have the IAEA do inspections.

They proposed, also in 1987, an agreement on a bilateral or regional nuclear test ban treaty.

In 1991, Pakistan proposed to commence a multilateral conference on the question of nuclear proliferation in south Asia.

A couple years ago, they proposed to create a missile-free zone in all of south Asia.

Pakistan has proposed all this. What is the stumbling block? India will not accept any of these. They are the ones that have said "no" to all of these proposals. Yet, we are the ones that are sticking it to Pakistan. I do not understand this at all. It seems to me that this is the kind of regime that we want in south Asia. We ought to be behind these proposals, and we ought to be using our influence with India and other countries in that area to agree with Pakistan, to sit down and negotiate these proposals, which were made in good faith by Pakistan.

Last, Mr. President, two quotes, first by President Clinton, April 11, 1995:

I don't think what happened was fair to Pakistan in terms of the money . . . I don't think it is right for us to keep the money and the equipment. That is not right. And I am going to try to find a resolution to it. I don't like this.

President Clinton, April 11, 1995. That is exactly what the Brown amendment does.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BROWN. Mr. President, I yield to the Senator from Iowa 2 additional minutes.

Mr. HARKIN. Mr. President, the President is supporting the Brown amendment because it reflects exactly what President Clinton said April 11.

On the same date, Prime Minister Bhutto said:

The Pressler amendment has been a disincentive for a regional solution to the proliferation issue.

April 11, 1995, Prime Minister Bhutto.

Mr. President, it is time to put this behind us. It is time for fairness and equity. It is time to recognize that if we want to support the democratic forces in Pakistan, if we want to give Prime Minister Bhutto the support she needs to consolidate the prodemocracy forces in Pakistan, then we have to put this behind us.

This will do more to help promote a regional solution to these problems than anything else we can do.

It is simply a question of fairness and equity. I hope that the vote will be overwhelming, overwhelming in favor of the Brown amendment. Let Pakistan know we will not turn our backs on Pakistan after all of these years of friendship and support that Pakistan has given to us.

I yield back whatever time is remaining. I thank the Senator from Colorado for his leadership on this.

Mr. GLENN. Mr. President, I yield 2 minutes to the distinguished Senator from Illinois, Senator SIMON.

Mr. SIMON. Mr. President, I will vote against the Brown amendment, though I agree with much of what my colleague from Iowa has to say. I will vote against any weapons in any amendment that go to Pakistan or India or China until we get this nuclear thing worked out.

Many of the things that Senator HARKIN says are correct; for example, Pakistan and India, Pakistan suggesting that they have mutual inspection of nuclear facilities and so forth. The difficulty is India also fears China. There has to be a tripartite agreement. I think that necessarily means United States leadership working together with Russia to bring that about.

There is no question Pakistan has some legitimate grievances. We ought to get those worked out. I think the Feinstein amendment that is going to be coming along shortly will help to move in that direction.

We want to maintain friendship with Pakistan. Pakistan has moved from a dictatorship to a functioning democracy. Like all functioning democracies, it has problems. We ought to be working with Pakistan more closely.

However, I do not think we ought to be sending weapons to any one of the three parties, who now have the greatest nuclear threat, I think, anywhere in the world.

I think it would be a mistake to approve the Brown amendment.

Mr. GLENN. How much time is remaining?

The PRESIDING OFFICER. The Chair will advise the Senator from Ohio that his side has 15 minutes.

Mr. GLENN. I yield 3 minutes to Senator LEVIN.

Mr. LEVIN. I thank the Chair and my friend from Ohio.

Mr. President, the Brown amendment moves us in the opposite direction of trying to restrain missile proliferation. We have a law on our books and it says that where there is a determination that a transfer of a missile with a certain range and payload has been made that we will then impose sanctions.

There is a large body of evidence. It is up on the fourth floor. We have had three briefings. The briefers left the material for us to look at. It is right there, a couple floors above us, for any of us to look at, to see whether or not each of us are satisfied that, in fact, a missile of a certain range and payload in excess of the missile technology control regime has been transferred from China to Pakistan. Under American law, if that occurs, sanctions are supposed to be imposed.

Now, what the Brown amendment does is take us in the opposite direction. It would have us amend Pressler, to then allow for the transfer of significant military equipment to Pakistan.

Instead of looking at this evidence and deciding whether or not it proves incontrovertible that there has been a transfer of missiles in excess of the range and payload that is provided for in the missile technology control regime which we have incorporated in our law, the amendment before the Senate would say that still could apply, but we will move in exactly the opposite direction.

This amendment makes a mockery—if it passes this Senate—will make a mockery of our efforts to restrain the proliferation of missiles. That is the issue before the Senate. It is American law. American law says if there is a transfer of a missile or missiles that meet certain tests, sanctions will be imposed.

I do not think we can in good conscience say that we are fighting the proliferation of missiles if we ignore that evidence two floors above us, if we do not take the time to at least look at that evidence two floors above us, and instead of acting on it, whatever our conclusions are, under American law, we move in exactly the opposite direction, amend Pressler, allow for the transfer of military equipment which otherwise could not be transferred. That is the issue before this Senate.

I hope we will adopt the Feinstein amendment, which will provide that any appropriate funds that are owed to Pakistan that they have given to us, whatever is equitable, be returned to Pakistan, without trashing the missile technology control regime.

I thank the Chair.

Mr. BROWN. Mr. President, I yield myself 2 minutes.

Mr. President, I want to deal with an aspect of this that I think is a fundamental problem because we have not addressed it, and maybe we have not addressed it for a good reason.

This amendment is about fairness and about the inequity of keeping both their money and their arms. I think Americans will respond strongly to that. They understand it, and would be outraged at any retailer who did the same thing or anyone who signed contracts to sell as well.

Other Members have brought up significant issues and concerns about arms in Southeast Asia. That is appropriate, and they should, and it ought to be a concern. It is why I made sure with the adoption of this amendment that very strong sanctions stay in place that send a clear message that Pakistan is paying a price for having developed weapons.

Mr. President, the aspect of this that needs Members' attention is this: We have sanctions that will sanction Pakistan for developing nuclear weapons, but we do not have sanctions that will sanction India for developing nuclear weapons. They are two nations, side by side.

The fact is, Pakistan's program literally came about in part because India was Pakistan's adversary and India developed nuclear weapons. We cannot ignore that when you think about trying to solve this problem.

There has been a lot of concern raised about missiles. That is a valid concern. I think we need to do more in that area.

Mr. President, you cannot talk about it in a vacuum. The fact is, Pakistan developed their program after India developed weapons, and there are strong indications that the potential of Pakistan's missiles, if they have them and if they uncrate them, is somewhat similar to what the potential of the Indian missiles are. If anything, India has stronger missiles.

You cannot talk about this in a vacuum. If you do talk about it in a vacuum and you think about it in a vacuum, you are doomed to failure. We want a nonproliferation program that works, that is effective.

The PRESIDING OFFICER. The 2 minutes of the Senator has expired.

Mr. BROWN. Mr. President, I yield 3 minutes to the Senator from Iowa.

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

Mr. HARKIN. Mr. President, I want to respond, perhaps, to my colleague from Illinois who talked about the weapons going to Pakistan. I have looked over the list of the items that are going. I thought I might, just for the RECORD, point out what some people have said about these items. All of the experts agree, it will not in any way upset the regional balance.

Steve Cohen is the director of program in arms control, disarmament and international security at the University of Illinois. He said,

> In terms of the regional military balance, I don't think that the release of this military equipment . . . will have . . . significant impact on the balance one way or the other.

George Tanham, who was a vice president of the Rand Corp., says, "I agree." He said:

> In fact, there is no balance now. India dominates so strongly. They have twice as large an army as Pakistan, twice as large an Air Force, twice as large a Navy, twice as many tanks, twice as many airplanes. * * * India has overwhelming strength.

So this small amount of equipment will not upset any balance. All of the experts basically agree that this amount of items that we are sending over there would not in any way upset that regional balance.

James Clad, professor at Georgetown University said:

> They offer for Pakistan "exactly as Dr. Tanham pointed out, an equalizing hand in trying to somehow correct the subcontinental mismatch of conventional weaponry capability and geographical reality."

So, again, I have gone over this list. I do not know if anyone has ever put it in the RECORD. But of the military equipment, adding to about $368 million, the biggest items are three P-C3 aircraft, four-engine turboprop aircraft. They are very slow aircraft. They do not have the capability in any way to threaten India, and I would be glad to get into a discussion with anyone if they would like to discuss that.

I want to make sure this is in the RECORD. I ask unanimous consent a list of the items be printed in the RECORD and also a description of these items be printed in the RECORD at this point.

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

PUTTING THE RELEASE OF EMBARGOED PAKISTANI EQUIPMENT INTO PERSPECTIVE

The total package has a value of $368 million—not $700 million as has been reported.

Although the P-3C Orion provides a long-range offensive capability, three aircraft would hardly disturb India's nearly 2 to 1 advantage over Pakistan in naval systems:

It is claimed that the P-3s provide a "lethal stand off capability" against Indian naval targets as far south as Cochin; however, it should be noted that because the Pakistan Navy has no aircraft carriers (of which the Indian Navy has two), the Pakistanis would be unable to provide fighters to escort these slow aircraft when operating at such a great distance from Karachi—thus leaving them vulnerable to interception by either land-based Indian Air Force fighters or carrier based Indian Navy aircraft.

It is incorrect to say that the P-3C represent a new weapons system for the region as the Indian navy already has two squadrons of similar maritime patrol aircraft that include five Il-38 (the Russian version of the P-3) and eight Tu-142 *Bear* F aircraft. While these aircraft do not have a system equivalent to the Harpoon, they do have equipment to locate submarines and are capable of launching torpedoes.

The Indian Navy also possesses an antiship missile, the *Sea Eagle*, which is similar to the Harpoon. Although not capable of being launched from the maritime patrol aircraft mentioned above, the Indian *Sea Eagles*

can be carried on the *Sea Harrier* jets and the *Sea King* helicopters which operate from India's two aircraft carriers—thus giving the Indian Navy a more formidable long-range strike capability than that provided by three P-3s.

C-NITE would enable Pak Cobra helicopters to launch TOW 2 anti-tank guided missiles at night; however, these 19 helicopters, so equipped, would hardly offset India's 2 to 1 advantage (by over 2000 tanks) over Pakistan.

The Pakistani F-16s are already equipped with an AN/ALR-69 radar warning receiver and AN/ALQ-131 electronic counter measures jamming equipment. These are defensive rather than offensive systems. The ALR-69 alerts the pilot that a radar has "painted" his aircraft; the ALQ-131 electronically deflects the hostile missile. The ALR-69 and ALQ-131 kits that would be released would enhance the reliability of these systems rather than provide any new military capability.

Since Pakistan has previously received over 200 AIM-9L air-to-missiles, the release of 360 more will not provide any new capability. Furthermore, India will still enjoy an almost 2 to 1 advantage in jet combat aircraft over Pakistan to include a better than 2 to 1 advantage in aircraft equivalent to the Pakistani F-16s (i.e., MiG-29 and Mirage 2000).

The 24 howitzers that would be released to Pakistan are M198 155 mm towed howitzers. Given the fact that the Indian Army has over 3000 towed artillery pieces (almost twice the number in the Pakistani inventory), 24 more will not make a significant difference. It would be noted that during the nearly five years that these howitzers were embargoed, India acquired over 250 equivalent artillery pieces from Czechoslovakia and Russia/USSR.

In regard to MK-47 torpedoes, Pakistan will receive part that constitute less that one operational MK-46.

As for the 2.75" rockets, these constitute a resupply of ammunition for one of the weapons systems on the Pakistani Cobra helicopters—they do not give Pakistan any new capability.

MILITARY EQUIPMENT (LESS F-16 AIRCRAFT) PURCHASED BY PAKISTAN BUT NOT DELIVERED DUE TO PRESSLER SANCTIONS

Item	Stored quantity	Stored value (millions)	Funding source
Army:			
C-NITE modification kits	18	$24.1	FMF.
M198 Howitzers	24	18.7	FMF/Cash.
TPQ-36 radars	4	10.5	FMF.
M-Series rebuild parts	NA	6.8	FMF.
TOW launchers	135	6.1	FMF.
2.75 inch rockets	16,720	9.4	FMF.
Miscellaneous Army items	NA	1.7	FMF/Cash.
Army subtotal		77.4	
Navy:			
P-3C aircraft	3	139.1	FMF.
Harpoon missiles	28	30.8	FMF/Cash.
AIM-9L missile components	360	19.7	FMF/Cash.
MK-46/Mod 2 torpedo components	NA	.1	Cash.
Miscellaneous Navy items	NA	2.1	FMF/Cash.
Navy subtotal		191.8	
Air Force:			
Peace Gate II support equipment, 220E engine kits	30,968	28.5	FMF/Cash.
Depot engine spares program	4,746	8.0	FMF.
ILC kits: Spares for ILC, ALQ-131, F-100, ALR-69, support	2,035	7.9	FMF/Cash.
Peace Gate III support package:			
Peculiar support equipment	37	.9	FMF.
Engine spares	511	9.1	FMF.
Spares	154	1.6	FMF.
Standard support equipment	67	.4	FMF.
Peace Gate IV support package:			
Engine components	14	.1	Cash.

MILITARY EQUIPMENT (LESS F-16 AIRCRAFT) PURCHASED BY PAKISTAN BUT NOT DELIVERED DUE TO PRESSLER SANCTIONS—Continued

Item	Stored quantity	Stored value (millions)	Funding source
Developmental support equipment	144	8.0	Cash.
Standard support equipment	386	1.2	Cash.
Non-standard support equipment	9	.5	Cash.
Standard spares	204	1.3	Cash.
Test equipment	NA	.1	Cash.
ALQ-131 pods and spares	20	21.7	Cash.
Class A explosives	245,046	1.5	Cash.
Other Air Force items	NA	8.2	FMF/Cash.
Air Force subtotal		98.8	
Grand total		368	

Mr. HARKIN. Mr. President, I would just point out that, given the overwhelming superiority of India in this case, the small amount of items we are sending over in no way upsets the regional balance whatsoever. Keep in mind again: India, at 981 million people; Pakistan, 125 million people. The imbalance is already there on India's side.

It is interesting to note in all this debate, we talk about MTCR sanctions on Pakistan but no one is trying to put the sanctions on China. I make that note for the record.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time? The Chair recognizes the Senator from Ohio.

Mr. GLENN. Mr. President, I yield 5 minutes to the distinguished Senator from California. I would like to make one remark. For those who were not at the briefing yesterday—most of the Senate, by far; we had just a few up in S-407—I urge people to go up and look at the chart, look at the information we retained. It is available in S-407 right now. You could look at it before you come to the floor to vote. I yield to the Senator from California.

Mrs. FEINSTEIN. Mr. President, I want to tell you how I look at this. If one were to take the top trouble spots of the world and say which are most likely to have a nuclear confrontation, I would have to name India and Pakistan as one of the top two.

So what are we doing? We are adding to the arsenal of one of those two countries at a very sensitive time, at a time which is a few months before a general election in India, when flames of hatred between the two countries are now being fanned by politicians on both sides of the India-Pakistani border. We are taking this time and we are sending several hundred million dollars worth of equipment.

The P-3C aircraft capable of sophisticated surveillance; the 28 Harpoon missiles capable of air-to-surface or surface-to-surface launch; 360 AIM-9L surface-to-air missiles; 135 TOW-2 missile launchers; spare parts for F-16's, and other sophisticated equipment, and we are launching that into the middle of this situation.

I heard the same experts testify. None of them could answer the question, "What does India do, then?" That seems to me to be the central question.

I will tell you what I think India does. I think India deploys the Prithvi missile. That certainly changes the balance in the area, if it happens. And that is a very likely result of what we are doing here today.

Is Pakistan a friend? Yes. Has Pakistan been helpful in a number of different pursuits? Yes.

I say there is a way we can say thank you in an amendment which some of us will offer following this amendment, that will take what I consider to be the good parts of the Brown amendment, the economic help, the military networking, the antiterrorism help, the antinarcotic help, and also carry with it a sense of the Senate that will say, the honorable thing and the fair thing for us to do is sell the F-16's, repay the money to Pakistan, and provide whatever equity requires. That is the right thing to do. That is something that is not going to change the balance of power.

So, I believe very strongly that the Brown amendment is a mistake. I have had three security briefings. Those briefings run directly counter to statements made by Pakistan. Let me tell you what they run directly counter to.

"We are a very responsible country and we do not believe in the proliferation of nuclear weapons." That is not true. That was a statement made by the Pakistani Foreign Minister in 1994. It is simply not true.

"I want to say categorically and finally that Pakistan has not made nuclear weapons. Pakistan does not intend to make nuclear weapons." The Pakistani Foreign Minister, 1994. That statement is categorically untrue.

"We have made a sovereign decision not to produce nuclear weapons." Again, a foreign ministry spokesman—untrue.

"We have not detonated one, nor have we got nuclear weapons. Being a responsible state and state committed to nonproliferation, we in Pakistan, through five successive governments, have taken a policy decision to follow a peaceful nuclear program."

I do not believe, based on three classified briefings, that these statements are true and correct. Therefore, I believe it is a mistake in judgment to add to the proliferation in the area by putting sophisticated weaponry in the hands of one of these countries at a time where there is a very sensitive and very difficult situation between the two countries.

I yield my time.

Mr. HARKIN. May I ask the Senator to yield?

Mr. BROWN. I yield to the Senator from Iowa 2 additional minutes.

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

Mr. HARKIN. Mr. President, surely the Senator from California does not want to imply in any way that the articles on this list add one iota to any nuclear capability of Pakistan? That is

simply—that belies common sense. You can look at the list. There is nothing on there that has anything to do with nuclear proliferation or nuclear weaponry. Talk about a P-3C aircraft as being some kind of offensive aircraft? I happen to have flown in P-3 aircraft. It is a four-engine turbo-prop, basically built as an antisubmarine reconnaissance aircraft. The fact is that India already has two squadrons of similar type of patrol aircraft. I also point out that India has two aircraft carriers which Pakistan does not have.

They talk about the P-3 aircraft being able to penetrate and go as far south as Cochin in India. The fact is that it would have to do so without any fighter escorts whatsoever. This is a very slow airplane. India could shoot that thing down in a minute.

So the arguments made by the Senator from California I find are just off the mark because this in no way disrupts any balance or in any way adds to any kind of nuclear capability whatsoever.

I yield back any time I may have.

Mr. GLENN. Mr. President, I yield to the Senator from Massachusetts 2 minutes.

Before of I yield, I yield myself such time as I may require.

I would just add that a good part of this package is F-16 parts to keep the F-16's flying. They are a nuclear delivery system. That is the part of this that is very critical.

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

Mr. KERRY. Mr. President, I thank the Senator from Ohio.

Mr. President, I believe the amendment of the Senator from Colorado is a great mistake. The question is really a very simple question. Why would you relax sanctions that were put in place because of one proliferation problem at the exact moment when Pakistan is involved in another proliferation issue? Every one of us understands the reality from briefings and otherwise about the M-11 controversy. In 1989, Pakistan knew exactly what the sanctions would be and exactly what the results would be with respect to a continued nuclear development program, and they knew in 1995 what the consequences would be of pursuing ballistic missiles. They have done both. We know they have done both.

So, if we send a message that we are willing to undo the sanctions on the first proliferation issue, we are making it very clear that the second proliferation issue does not matter at all, I think. It is really that simple. And when you couple that with what the Senator from Ohio just said with respect to the nuclear delivery capacity and the type of weapons being sent, it is a mistake.

The Senator from California is absolutely correct. There is a matter of equity here. It is unfair for the United States to hold onto money which they delivered for products. So, obviously, we ought to rectify that as a matter of fairness and as a matter of proper judgment and proper relationships, and we need to cooperate with Pakistan. There is much we have in common and that we want to work on. But it would be an enormous mistake. We do not have a relationship with India with respect to the selling of weapons. And we have always had a certain tension over Western nuclear program proliferations.

We must hold the line on the question of people who break the law when we say that there will be a certain set of sanctions if certain actions are taken and, notwithstanding those warnings, those actions are taken. To do anything less than that would make a mockery of nonproliferation efforts.

I thank the Senator from Ohio.

Mr. BIDEN. Mr. President, I rise in strong opposition to the amendment of the senior Senator from Colorado.

I am deeply concerned about the signal that adoption of this amendment would send to the rest of the world, particularly to the numerous countries with nuclear ambitions. The effect of allowing the proposed transfer of sophisticated military equipment and the resumption of economic aid would be to legitimize Pakistan's nuclear program.

The issue here is much larger than just Pakistan and the military equipment they want to take delivery of—it is about the credibility of our entire nuclear non-proliferation policy.

The proposal before us rewards a country that repeatedly lied to us about its nuclear ambitions. It tells other would-be nuclear states that there is no price to be paid for seeking the most destabilizing weapon a country can acquire.

Mr. President, I want to make clear my view that Pakistan was a valuable ally in resisting the Soviet occupation of neighboring Afghanistan. In the course of our common fight against Soviet expansionism, we forged a strategic relationship that served both of our countries.

But, Mr. President, the Soviet threat was not the sole concern in our dealings with Pakistan in the 1980s. Throughout this period, this body repeatedly expressed its concerns regarding Pakistan's nuclear program. It is instructive to examine the record, because what many people forget is that at the time we were given ironclad assurances that Pakistan was not pursuing nuclear capability.

In fact, the Reagan administration told us that if we did not amply supply Pakistan with military hardware, then we would be encouraging it to pursue the nuclear option. Thus, high levels of assistance to Pakistan became an integral part of our nuclear nonproliferation policy.

Well, Mr. President, we supplied Pakistan with over $4 billion in military and economic aid during the eighties, and I must say that I have yet to see any evidence that massive American aid in any way deterred Pakistan's nuclear program.

One could argue that our assistance had the opposite effect. It freed up resources which would otherwise have been used for conventional defenses. And in fact, if you piece together the evidence, you will find that Pakistan's greatest nuclear strides correspond with the highest levels of American aid. This can only lead you to conclude that we helped to underwrite the Pakistani bomb.

The proposal which is before us today at the request of the Clinton administration strikes me as suffering from the same flawed logic as those advanced during the Reagan and Bush administrations. In exchange for easing the Pressler ban, we are getting absolutely nothing to address our non-proliferation concerns: No rollback, no freeze, not even a pause. The supporters of this amendment want to lavish Pakistan with destabilizing conventional weapons while that country proceeds full throttle with its nuclear program.

The Pressler amendment unambiguously states that no assistance can be supplied to Pakistan unless the President certifies that Pakistan does not possess a nuclear explosive device. It is unambiguous. It does not allow for any fudging. And fudging is what the Brown amendment amounts to.

The proposed transfer of military hardware not only contradicts the Pressler ban, it also fails to meet the standards of the licensing policy for commercial military sales to Pakistan. I might add that many in Congress strenuously objected to the Bush administration's decision to license commercial sales in the first place. Under that policy, any equipment which could upgrade Pakistan's military capability is to be denied a license. By the administration's own admission, many of the items they want to transfer now would be denied a license according to this standard.

There you have it. The administration is willing to eviscerate the Pressler amendment, and it is willing to waive its already lax standards while getting nothing in return.

If we are asked to undo a decade-old pillar of our non-proliferation policy, then the least we can ask for are some restraints on Pakistan's nuclear program.

I expect that some will say that Pakistan already paid for this equipment—it is rightfully theirs, and we ought to send the goods or return the money. Setting aside the argument that Pakistan knew a situation like this would result if it failed to be certified, I would favor finding a way to compensate Pakistan in some manner.

I would propose that the administration sell this equipment to third parties, and send the proceeds from such sales to Pakistan, just as it plans to do in the case of the F-16s.

Mr. President, invoking the Pressler amendment achieved what billions of aid dollars could not—a halt to fissile material production by Pakistan. Congress is not always right, but in this case we were.

Now is not the time to discard a policy that has worked. Press reports indicate that Pakistan has clandestinely acquired M-11 missiles from China, that it is quietly cooperating with Iran's nuclear ambitions, and that it has openly engaged in military exercises with Iran.

Mr. President, unless we reject the Brown amendment, we will be putting our imprimatur on these very dangerous developments.

The late Zulfikar Ali Bhutto, the present prime minister's father, once declared that his countrymen would eat grass in order to acquire nuclear capability. And Mr. President, Pakistan, like neighboring India, has more or less followed through on this promise. It has built a clandestine nuclear weapons program of unknown safety at tremendous cost, while doing nothing to improve the plight of its tens of millions of citizens trapped in poverty.

Well, Mr. President, if Pakistan's leaders choose to sacrifice the greater welfare of their people to further develop a nuclear arsenal, then that is a decision they will need to justify to their citizens. We should not make their job any easier in this regard. Unfortunately, that would be the effect of resuming economic assistance.

I fully understand the complex security situation that exists among India, Pakistan, and China. And I believe that we should be doing more to address the sources of instability among these three countries if we are to successfully deal with the nuclear menace in that part of the world.

But I do not think that the nuclear capability of Pakistan's neighbors should be an excuse for not enforcing our laws with respect to Pakistan.

The fact is there is no Pressler amendment for India, but there are laws that have been used to invoke sanctions to blunt India's nuclear weapons ambitions. I would also note that India, unlike Pakistan, did not receive billions of dollars in aid for the expressed purpose of preventing the development of a nuclear weapon.

The point is that we have to uphold the laws that are on our books. Pakistan was well aware of the Pressler amendment. It supported the amendment's adoption. And it chose to ignore the consequences of noncompliance with the amendment.

It is that simple. And it is up to us to demonstrate that on an issue of such vital importance to our national security, we mean what we say.

Mr. President, we must not reward the kind of behavior Pakistan has demonstrated. Others are watching this debate closely, and how we act in this situation could well affect the decisions of many other potential nuclear states.

Mr. GLENN. Mr. President, I ask unanimous consent to have printed in the RECORD a table identifying the military items to be transfered to Pakistan pursuant to the amendment.

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

MILITARY EQUIPMENT (LESS F-16 AIRCRAFT) PURCHASED BY PAKISTAN BUT NOT DELIVERED DUE TO PRESSLER SANCTIONS

Item	Stored quantity	Stored value (millions)	Funding source
Army:			
C-NITE modification kits	18	$24.1	FMF.
M198 Howitzers	24	18.7	FMF/Cash.
TPQ-36 radars	4	10.5	FMF.
M-Series rebuild parts	NA	6.8	FMF.
TOW launchers	135	6.1	FMF.
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P-3C aircraft	3	139.1	FMF.
Harpoon missiles	28	30.8	FMF/Cash.
AIM-9L missile components	360	19.7	FMF/Cash.
MK-46/Mod 2 torpedo components	NA	.1	Cash.
Miscellaneous Navy items	NA	2.1	FMF/Cash.
Navy subtotal		191.8	
Air Force:			
Peace Gate II support equipment, 220E engine kits	30,968	28.5	FMF/Cash.
Depot engine spares program	4,746	8.0	FMF.
ILC kits: Spares for ILC, ALQ-131, F-100, ALR-69, support	2,035	7.9	FMF/Cash.
Peace Gate III support package:			
Peculiar support equipment	37	.9	FMF.
Engine spares	511	9.1	FMF.
Spares	154	1.6	FMF.
Standard support equipment	67	.4	FMF.
Peace Gate IV support package:			
Engine components	14	.1	Cash.
Developmental support equipment	144	8.0	Cash.
Standard support equipment	386	1.2	Cash.
Non-standard support equipment	9	.5	Cash.
Standard spares	204	1.3	Cash.
Test equipment	NA	.1	Cash.
ALQ-131 pods and spares	20	21.7	Cash.
Class A explosives	245,046	1.5	Cash.
Other Air Force items	NA	8.2	FMF/Cash.
Air Force subtotal		98.8	
Grand total		368	

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

The PRESIDING OFFICER. There are 4 minutes on each side.

Mr. BROWN. Mr. President, I having offered the amendment, and I would like to close and retain the remainder of my time.

Mr. GLENN addressed the Chair.

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

Mr. GLENN. Mr. President, I yield myself such time as I may require.

Mr. President, there appears to be no appreciation in the remarks on the Senate floor by the supporters of the Brown amendment of the history of Pakistan's violation of our laws. I do not condone India's nuclear weapons program, and I do not think there is any Senator in the Senate who has been more outspoken about that matter than I have.

I was in opposition to India's program. I led the fight in 1980 that ultimately resulted in the cutoff of nuclear materials to India because of her guarded nuclear program. So I certainly do not come down on India's side on this either. But India has not violated United States nonproliferation law.

When we passed the Glenn-Symington amendment in 1970, we did not have Pakistan in mind. The law applied to everyone; it was not aimed at a particular country. But Pakistan violated our law. As a result, the Carter administration—going clear back that far—cut them off from military and economic assistance. Then the Reagan administration got a waiver from the law for a temporary period for Pakistan only. We tilted in favor of Pakistan, for Pakistan only, in order to send aid after the Afghan invasion occurred.

Because relief from our nonproliferation law was given to Pakistan, the Congress set up a new line in the sand. We said we really mean it now. And we mean it, Pakistan. We passed the Pressler amendment, and it was Pakistan-specific.

So it is incorrect to say that we are not being evenhanded. It is not unevenhanded to say that those who violate our laws should not then be given the benefit of our shipments of economic and military help. They should be punished, those who do not abide by our laws. Those who abide by our laws should not be punished.

So I do not and will not defend the Indian program, but they did not violate our nonproliferation laws. And to claim that fairness requires that we ignore a violation of our laws time after time after time and not telling us the truth about what was going on, is to just condone behavior that we do not want to see exist. So I will not support changing our laws just to accommodate violations of our nonproliferation laws.

Mr. President, this is not a matter of fairness that we are talking about. It is a matter of nonproliferation. Are we going to have a nonproliferation policy for the United States of America and mean it? Or are we not? And that is the question.

I want to give Pakistan's money back even though most of it was paid in after the Pressler amendment was passed, so they knew what they were doing. They are not dummies. They knew exactly what they were doing. Now they want to say—they got caught and want us to make them whole. I want to see them get their money back—if we can sell the airplanes to somebody else.

To stand back and make a mockery of our nonproliferation laws when we have 178 other nations signed up under NPT and are trusting us to deal with them fairly—that is the issue. Are we a nation that stands for nonproliferation and backs up the laws we have to that effect, or are we not? That is what this vote is all about.

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I know Senator Pressler is on the floor.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has no time remaining.

Mr. PRESSLER. I ask unanimous consent that I may proceed for 1 minute.

The PRESIDING OFFICER. Is there objection?

Mr. BROWN. Mr. President, does the Senator ask for 1 additional minute on each side?

The PRESIDING OFFICER. Is there objection?

Mr. BROWN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado has the remaining time.

Mr. LEVIN. Will the Senator from Colorado yield for a unanimous-consent request?

Mr. BROWN. I would be glad to yield.

Mr. LEVIN. Mr. President, I ask unanimous consent that there be 1 additional minute on each side so that Senator PRESSLER can speak for 1 additional minute.

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

Who seeks recognition?

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Dakota,

Mr. PRESSLER. Mr. President, I thank the Senator from Ohio for his remarks. His leadership on this issue has been remarkable.

Last night I traced the beginning of this amendment. It started out as a way to give Pakistan money and to give Pakistan arms. And Pakistan supported this amendment as the original thing. It was Pakistan's not telling the truth to then-Vice President George Bush and JOHN GLENN and others that led us into this problem. They bought the airplane under false pretenses. That is the whole problem that has led to where we are today. I do not want to go back and punish anybody for any right and wrong. But, if we pass the Brown amendment today, it will be opening the door to proliferation. We are rewarding a proliferator. We are rewarding a country that has violated an agreement on nuclear nonproliferation. And it is an amazing thing, because if it happens, all bets are off on nuclear nonproliferation.

I want to commend Senator GLENN for his leadership on this issue. He has fought it for years.

I made my speech last night. This is an amazing thing; if our country is for nuclear nonproliferation, we will be rewarding a country for proliferation.

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

Mr. BROWN. Mr. President, I yield myself the remainder of my time.

Mr. President, I am concerned about nonproliferation, and all Members ought to be concerned about it. They ought to be aware that if this amendment is agreed to, very strong, tough sanctions remain in place against Pakistan—a bar on military sales, a bar on military assistance, and a variety of other tough sanctions.

A lot has been said about the nonproliferation policy. The fact is this. Our current nonproliferation policy with regard to India is that India may build and develop nuclear weapons and there are no sanctions. That is a fact. Our policy is also that Pakistan may not do that, and there are heavy sanctions. That is not even-handed any way you slice it.

There are a couple considerations I hope Members will keep in mind as they consider this question. We have gone to the Pakistanis year after year and asked them for their help.

In 1950, we asked them to condemn the invasion of South Korea, and they gave us unqualified support and a strong condemnation of the North Korean invasion.

In 1954, we asked them to be an initial member of the Central Treaty Organization and help contain communism, and they gave unqualified support and joined.

In 1955, Pakistan joined the Southeast Asian Treaty Organization, SEATO, at our request and helped stem the tide of communism.

In 1956, we offered a resolution in the United Nations and asked Pakistan to support that 1956 resolution, condemning the Soviet Union's invasion of Hungary. Pakistan supported us. India abstained on the vote.

In 1959, we asked Pakistan to sign a mutual defense treaty with the United States at a tough time, and they did. Later on, we asked that the Pakistanis allow us to build a base in Pakistan to fly military aircraft out of it and spy on the Soviet Union, and they said yes.

In 1960, the Soviets shot down Francis Gary Powers and threatened to wipe the Pakistani base off the face of the Earth, and the Pakistanis still stood by us.

In 1970, Pakistan helped us open up China by staging the trip of Henry Kissinger, incurring the further wrath of the Russians.

From 1971 to 1989, we asked the Pakistanis to join us in fighting the Soviet invasion of Afghanistan, and they did.

Mr. President, in 1984, we asked for a vote in the United Nations condemning the Soviet invasion of Afghanistan and asked for the Pakistanis' support. They voted with us in condemning that invasion. India voted "no."

In 1990, we asked Pakistan's help in the war against Iraq, and they delivered troops.

In 1992 and 1993, we asked Pakistan's assistance for troops in Somalia, and they said yes and responded.

In 1993, we asked for their help with troops in Haiti, and they again said yes.

In 1995, we went to Pakistan and asked their help in apprehending a terrorist and returning him to the United States, the mastermind, at least the one we suspect was the mastermind, of the World Trade Center bombing, and they said yes.

Mr. President, when we have needed help Pakistan has responded and been there to help us. This amendment has specific language in it that makes it clear that any ballistic missile sanctions are not affected by this.

And last, the President of the United States has gone out on a limb. He has negotiated a compromise. He has shown leadership. This is not the time to condemn him.

Mr. President, I will yield the remainder of my time to the distinguished Senator from Illinois.

Ms. MOSELEY-BRAUN. I thank the Chair.

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

Ms. MOSELEY-BRAUN. Mr. President, I wish to see the United States as a country that keeps its word in international affairs.

We entered into a contract with Pakistan to sell military equipment and accepted more than $1 billion for that equipment. Likewise, we have made it quite clear that we will not do business with countries that proliferate. We all understand that the transfer of the F-16's cannot be completed now because Pakistan has chosen not to work with the United States on proliferation issues. However, the United States cannot continue to retain both the planes and the money and in the process break its word. I believe this issue is as simple as that. Since the sale cannot be completed, I believe we have an obligation to come to an agreement to reimburse the Government and the people of Pakistan.

The President has offered a thoughtful solution which is being offered by the distinguished Senator from Colorado. I support it and I encourage my colleagues to support it.

I know my time has expired. I thank the Chair.

The PRESIDING OFFICER. All time has expired.

Mr. BROWN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER (Mr. FRIST). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 55, nays 45, as follows:

[Rollcall Vote No. 454 Leg.]

YEAS—55

Ashcroft	Grams	Moseley-Braun
Baucus	Grassley	Murkowski
Bond	Gregg	Murray
Brown	Harkin	Nickles
Bryan	Hatch	Packwood
Burns	Heflin	Reid
Campbell	Helms	Roth
Chafee	Hutchison	Santorum
Coats	Inhofe	Shelby
Cochran	Inouye	Simpson
Cohen	Jeffords	Smith
Craig	Johnston	Snowe
Dodd	Kassebaum	Stevens
Dole	Kempthorne	Thomas
Domenici	Kyl	Thompson
Faircloth	Lott	Thurmond
Ford	Lugar	Warner
Gorton	McCain	
Graham	Mikulski	

NAYS—45

Abraham	Dorgan	Levin
Akaka	Exon	Lieberman
Bennett	Feingold	Mack
Biden	Feinstein	McConnell
Bingaman	Frist	Moynihan
Boxer	Glenn	Nunn
Bradley	Gramm	Pell
Breaux	Hatfield	Pressler
Bumpers	Hollings	Pryor
Byrd	Kennedy	Robb
Conrad	Kerrey	Rockefeller
Coverdell	Kerry	Sarbanes
D'Amato	Kohl	Simon
Daschle	Lautenberg	Specter
DeWine	Leahy	Wellstone

So the amendment (No. 2708) was agreed to.

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

Ms. MOSELEY-BRAUN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ADVANCED TELECOMMUNICATIONS

Mr. BURNS. Mr. President, I have been a supporter of the possibilities offered to this Nation's public and private sector by the burgeoning growth of the telecommunications industry. Coming from a rural Western State with vast distances between our communities, I realized that advanced telecommunications was likely the only avenue to Montana that could overcome the burdens of distance and geography to allow rural Americans to compete in a rapidly changing economy.

This spring, three United States universities—Montana State University, Virginia Commonwealth University, and Portland State University—combined with two universities from Northern Ireland—Queens University of Belfast and Armagh and the University of Ulster—to form the Distance Learning Consortium for International Management in the United States and European Union. This consortium has been formed for the purpose of providing interactive video and voice technologies. The consortium will offer programs in the area of international business, focusing on such topics as joint market opportunities, issues topical and germane to the U.S. and E.C. markets.

The project would make it possible for a businessman in Billings, MT, and anywhere else in America to walk into one of the participating universities and receive a real-time, interactive block of instruction on the latest in European Community regulations, or distribution channels, or constraints regarding their exports. These programs would be taught by some of the leading European experts. Conversely, a businessman in the European Community would be able to access the latest information on U.S. trade, commerce, regulations, and opportunities in a similar fashion.

While the consortium will utilize their own match, the consortium needs initial support of $500,000 to develop their interrelated curricula and harmonize their separate distance learning technologies.

I hope the manager of this bill will consider this project during its conference with the House.

Mr. McCONNELL. I appreciate Senator BURNS bringing this project to my attention, and I will be happy to work with him on this project.

Mr. President, it is my understanding that the distinguished Senator from South Carolina is going to address the Senate for a few moments, and then we will move along with our agenda. I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

DRAWDOWN AUTHORITY FOR JORDAN

Mr. THURMOND. Mr. President, I rise in opposition to section 576 of H.R. 1868, the Foreign Operations Appropriations Act, which would provide authority for the President to drawdown $100 million of defense articles from Department of Defense stocks.

I oppose the inclusion of this provision in the bill because there are no funds appropriated in the bill to reimburse the Department of Defense for the defense articles, services, training, or military education that would be provided. In fact, this provision would waive section 506(c) of the Foreign Assistance Act of 1961, which requires that there be an authorization and appropriation. The provision would also waive the requirement under section 632(d) of the Foreign Assistance Act of 1961, which would require the Department of State to reimburse the Department of Defense for the defense items which have to be replaced. In short, the Army will have to find $61 million in its operations and maintenance budget to pay for the training, transportation and handling, as well as repair and defense items which are to be sent to Jordan.

Mr. President, I believe it is important to support nations who work with the United States to achieve peace in regions where we have national interests, and where it is consistent with our other security priorities around the world. I appreciate the role that Jordan played in the Middle East peace process. I believe Jordan should have the defense items, services, and military training, that enable them to protect their borders and respond to terrorist threats. However, there are no funds authorized and there are no funds appropriated in this bill or the foreign aid bill for this drawdown. This is a function of the international affairs budget and there should be an appropriate authorization and appropriation within the foreign aid and foreign operations bills.

Mr. President, when the Defense authorization bill was before this body, the administration sought support for a similar provision. In a letter supporting the proposed amendment to the Defense authorization bill, the Secretary of Defense stated that without replacement of the nonexcess items and reimbursement to the military services for transportation and other costs, military readiness will suffer.

Mr. President, once again, I believe the United States should provide Jordan with the defense items that would be authorized by this drawdown. However, I cannot support the use of Defense funds without reimbursement to pay for this authority.

I will not offer an amendment to strike this provision from the bill. However, I want all Members to understand that the Senate Armed Services Committee worked very hard to ensure the Defense budget was not used for nondefense items.

This provision would use Defense funds to provide the defense articles and services to a foreign nation. The Department of State should reimburse the Department of Defense for these items. If there is no reimbursement, the Army will have to use money in fiscal year 1996 and future years, which has not been included in the future years defense plan, to replace these items. This cannot help but be detrimental to the future readiness of the U.S. Army. We should stop these raids on the Defense budget.

Mr. McCONNELL. Mr. President, with regard to the Jordanian drawdown, the $100 million drawdown will allow the United States to keep its commitments to King Hussein to address legitimate security concerns of Jordan in a post-peace environment. The King's courageous decision to provide refuge to the Iraqi defectors only increases his security problems.

Moreover, this drawdown package demonstrates America's resolve to support those who support peace in that area of the world. We are at a very critical time in the peace process and it is important we maintain our credibility if we are to maintain our leadership role in brokering further peace agreements.

The drawdown is designed to address the immediate needs of the Jordanian

Armed Forces primarily for border security. In the immediate post-peace treaty era with Israel, Jordan finds itself hard-pressed to prevent infiltration of its border with Israel by potential terrorists and smugglers. They desperately need to increase their capability to survey the border, especially at night.

I am well aware of the economic constraints our Nation faces as it fights a bulging deficit, which is precisely why the drawdown package is tailored so that it has a minimum impact upon our force readiness.

Mr. President, I will also say, while not typically being a spokesman for the administration, they are strongly in support of the Jordanian drawdown, as well.

I yield the floor.

Mr. LEAHY. Mr. President, I concur with what the distinguished chairman has said. I think this is extremely important. I have met a number of times with Jordanian officials, and a number of times with King Hussein regarding this and other issues involving Jordan.

Jordan is in a critical, pivotal position. I remember last year—actually, about 11 months ago now—when I had the privilege of accompanying the President of the United States to the signing ceremony of the peace agreement between Jordan and Israel, signed out in the desert in Al Aqabah, in 110-degree weather. I remember the day as though it was yesterday. There was a stiff desert wind blowing. People from Israel and Jordan and from the United States were there to witness the signing of this historic peace agreement. There was a very moving speech by Prime Minister Rabin and by King Hussein. The President of the United States was speaking for all Americans about our pride in this historic agreement.

Every commitment that King Hussein has made, he has kept. Every step he has said he would take, he has taken—many with great courage and great foresight.

This is not an easy time in the Middle East. Prime Minister Rabin, who justly deserves his Nobel Peace Prize, has pushed so hard to keep a peace agreement going in the face of political opposition and terrorist attacks. He and Foreign Minister Peres have worked so hard on this. There is really a handful of people in the Middle East who are trying to bring about peace—not so much for their generation, because their generation will soon reach a time when it fades from the scene, but for the generation of children, Arab and Jew alike. They are facing a potential for peace which their parents did not have, but a potential they now have. This is an area where we can help. The United States has strong and real security interests in that part of the world. We should help.

So I strongly support the administration's position. I think the President and Secretary of State are right.

PRIVILEGE OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent, on behalf of Senator WELLSTONE, to allow a fellow on his staff, Paul Mazur, the privilege of the floor during the consideration of H.R. 1868, the foreign ops bill.

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

TRANSFER OF EXCESS NONLETHAL DEFENSE ARTICLES TO ALBANIA

Mr. LEVIN. Mr. President, I rise to discuss section 557 of this bill, a provision which I support. Last year, the Senate adopted my amendment to allow a waiver of transportation fees for nonlethal excess defense articles being transferred to Albania. I am pleased to see that this provision is being extended this year in both the Senate and House bills, and that it is in fact being expanded to cover all countries eligible to participate in NATO's Partnership for Peace Program, including Albania.

Albania is one of the poorest countries in Europe. Somehow, despite decades of isolation, tyranny and brutal Communist rule, the seeds of democracy survived in the people and have begun to sprout. The people of Albania still look to the United States as a model, admiring our values and desiring our support. In just a few short years, Albania has become an important ally of the United States in the fragile region of the Balkans and is working closely with NATO.

Albania is classified by the United Nations as the least-developed nation in Europe. Albania is trying to establish free markets and free institutions there, and they have a good chance of succeeding. Albania is one place where a little help from the United States can go a very long way to fostering democracy and building stability in the region.

The United States is properly providing some modest assistance to Albania. And one aspect of that assistance can be strengthening civilian control of the military in Albania, and the construction of modern, reformed national defense forces. Helping Albania in this way is clearly in the interest of United States security and European stability. Under the assistance provision adopted last year, Albania has received shipments of uniforms and other nonlethal excess defense materials from the United States without having to bear the cost of transporting those materials. That cost would have been prohibitive for Albania, but it is a small cost for us and one that yields a real benefit. Now, under section 557 of this bill, we will be able to continue waiving the transportation fees for such assistance to Albania, and to other countries eligible to participate in the Partnership for Peace Program.

Our efforts are helping. With United States advice and assistance, the Albanian military has been reorganized. The entire ministry staff was changed, and all of the people who had worked for the Albanian secret police were dismissed. The army was restructured from 21 divisions into just 9. Fifty percent of the commissioned officers and 30 percent of the enlisted officers were dismissed, reducing the total number of officers from 18,000 to 8,200. The heavily politicized military academies, based on old Soviet doctrine, were shut down and replaced with a new noncommissioned officer academy based on a United States model. A new rank system and promotion track was established.

The Albanian military is also shedding its isolationist policies and seeking extensive cooperation with the West and integration into regional security structures. Albania has been very cooperative with NATO efforts to help halt the conflict in the former Yugoslavia. Albania has allowed United States reconnaissance drones to be based at the Gjader base there since mid-summer, and those drones have been very useful in observing military activities in the former Yugoslavia.

Albania has participated in seven joint military exercises with United States and other NATO forces, most recently the Peaceful Eagle exercise last week, which trained Albanian units to be deployed in future U.N. peacekeeping missions. Notably, some of these joint exercises have brought Albanian forces together with troops from its neighbors in the region, including Greece, Bulgaria, and Romania, building important positive links where there have been historic animosities. And these exercises have also trained Albanian and other troops for peacetime missions, such as coordinated emergency disaster response.

Last week, Albania offered air bases in Albania for United States F-117 Stealth fighter-bombers that we may want to use in Bosnia. We had been unable to get agreement to base those planes in Italy. So we and NATO are seeking to build a valuable ally in Albania, and it is important to continue that assistance.

This month, Albanian President Sali Berisha traveled to Washington and met with President Clinton, Vice President GORE, Secretary of State Christopher, Secretary of Defense Perry and other officials. President Clinton praised Berisha for the country's economic and democratic reforms.

On the thorny problem of relations with its neighbor Greece, the two nations recently initiated talks on the rights of Greek and Albanian minorities in each other's country, at the urging of United States Assistant Secretary of State Holbrooke who was visiting the region.

Mr. President, there are other ways we can provide assistance to Albania at

a small cost to ourselves. Last week President Clinton offered to help establish a training program for judges, prosecutors and police and to equip and outfit the Albanian peacekeeping contingent under the NATO Partnership for Peace Program. Albania still needs development assistance, help with legal structures, environmental protection and planning, and foreign investment. But we have made a good start, and section 557 of this bill helps permit that to continue.

OVERSEAS POLICE TRAINING

Mr. SPECTER. Mr. President, for 20 years the United States Government has been prohibited from training foreign police forces. Section 660 of the Foreign Assistance Act reflected earlier congressional concern that U.S. personnel should not train security forces in repressive regimes.

But for more than a decade we have realized that some overseas police training is necessary and important—particularly in the area of anti-terrorism. This year's pending foreign operations appropriations bill adds another important exemption: It allows the training of overseas police forces to monitor and enforce sanctions. But I believe that another exemption is needed. The President, civilian officials, and U.S. military commanders, need the authority to conduct public-safety training during and after significant military operations.

As the United States discovered in Grenada, Panama, and Haiti, public order is likely to collapse when existing regimes collapse. In each of these cases, U.S. forces were unable to depart until order was restored—and a mechanism for maintaining public safety was created. In none of these cases was this done smoothly or efficiently. The U.S. Justice Department's International Criminal Investigative Training Assistance Program [ICITAP], which is permitted under current law to perform training in this hemisphere, did not perform well. Given the relatively small size of its training organization, and the demands created by hostile and demanding environments, this was not surprising.

During the past 10 years, there has not been an effective civilian organization for conducting public-safety training in the context of a U.S. military operation. In the words of the Commission on Roles and Missions of the Armed Forces, "our recent experience in Latin America, the Caribbean, and Africa shows that there are no civilian agencies capable of short-notice law-enforcement operations and training in hostile, demanding environments."

In the absence of an effective civilian training organization, the U.S. military was compelled to perform public-safety training. Military commanders worked hard to ensure that they did so without violating section 660. In Somalia, for example, marines trained auxiliary security forces rather than police forces. But because of section 660 restrictions, U.S. military commanders could not plan and train for this mission. In short, it was done on an ad hoc, reactive basis.

Mr. President, I am pleased the Senate has accepted my amendment on overseas training, which would permit the President to use whatever agency of Government was most appropriate to train public-safety forces during and after a military operation. In some cases, such as Haiti, the environment was relatively peaceful, and the training mission could be carried out by the Justice Department. But in other, more dangerous situations, such as Panama, the President might direct local military commanders to conduct short-term training. Once order is restored, civilian agencies could take over longer-term training and assistance.

In the post-cold-war world, the United States in my judgment will from time to time be compelled to use military force to protect our interests, and to carry out other operations where public safety will be an issue. Mr. President, I believe this amendment will help U.S. military commanders perform this mission much more effectively in the future. I thank the distinguished managers of the pending legislation for accepting my amendment.

I thank the Chair and yield the floor.

Mr. D'AMATO. Mr. President, I rise today to discuss United States aid to the PLO, as it has been included in the fiscal year 1996 foreign operations appropriations bill and to explain my vote on the subject.

We have to face the facts. The PLO is not complying with its responsibilities. It has failed to restrain the radicals in Gaza; failed to extradite terrorist murderers in its custody to Israel; it has failed to change the PLO Covenant; and it has failed to come clean with the amount of its assets. Most importantly, the PLO's overwhelming failure to restrain the radical elements within its areas of control is an insult to Israel and everyone who had placed hope in Yasir Arafat's ability to deliver the peace.

Mr. President, I am angered that the PLO will be funded in this foreign aid bill, and moreover, with the fewest of strings attached. The PLO is not living up to its end of the bargain, but the United States is rewarding this band of murderers, nonetheless. I would venture to say that the PLO has no plans to live up to its bargain. They were created with murder in mind, and they will continue that way.

I must say that I fear for Israel. While we provide aid and comfort for the PLO, Yasir Arafat concludes deals with Hamas, rediverts aid, and continues business as usual, laughing all the way to the bank. The United States should be ashamed of itself for giving aid and comfort to these murderers. In the end, though, it will not be the United States that suffers first. It will be Israel, and for them I feel sorry.

I want it known very clearly, I voted for the foreign operations appropriations bill so that Israel could receive the aid that it needs at this crucial time. It is in no way a vote in favor of aid to the PLO. However virulently against funding the PLO in the manner in which it will be funded, I am not willing to hurt Israel by voting against the entire bill. In fact, I think that it was wrong to link the two aid packages together because Senators, such as myself who support aid to Israel but not the PLO, are put in a difficult position. If one votes to kill the aid to the PLO by voting against the overall bill, he or she also votes to kill the aid to Israel. This is wrong and it distresses me greatly.

Mr. President, I ask to have printed in the RECORD, a letter to me from four grieving mothers, whose children have been taken from them by terrorist acts carried out by the very people to which the United States will be providing aid. This letter pleads for extradition by the PLO to Israel of the murderers of their children. I urge my colleagues to read this heartrending letter to further understand the mistake we are committing by providing this aid to the PLO with so few strings attached.

Mr. President, I also ask to have printed in the RECORD, copies of documents that are purported to be from the Palestinian Economic Council, Development and Reconstruction, otherwise known as PECDAR. These documents, which I make no claim to their authenticity, highlight a series of alleged economic diversions and schemes by the PLO to buy up property in the West Bank to leverage against Israel. Finally, I ask to have printed in the RECORD an article on this same subject by A. M. Rosenthal that details the documents in question.

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

September 20, 1995.

Hon. Senator ALFONSE D'AMATO,
U.S. Senate, Washington, DC.

DEAR SENATOR: We are the mothers grieving for our precious children, of blessed memory, who were brutally murdered by merciless terrorists as they innocently hiked the countryside of the land of Israel. We, as mothers, have never been active politically. For years we tirelessly and lovingly dedicated ourselves to raising our children. In one day, our dreams were shattered when we received the bitter news that unconscionable murderers, with their knives in hand, butchered our beloved offspring.

We turn to you at this critical hour with regard to the granting of financial aid to the Palestinian Authority. We beseech your assistance regarding one specific issue—the extradition of the murderers who were apprehended by the Palestinian Authority and are currently being held in Jericho.

According to the agreement signed with Mr. Arafat, the State of Israel has the right

to obtain the transfer of murderers of its citizens in order that they be tried in the courts of the State of Israel.

The State of Israel has turned to the Palestinian Authority and has requested the extradition of the murderers. However, the Palestinian Authority has refused to comply and transfer the killers of our children to the Israeli authorities.

We are terribly pained, anguished and distraught by the Palestinian's outright refusal to comply. We have turned to the Prime Minister, to Cabinet Ministers, and to members of the Knesset with our plea for compliance and justice. We recently met with the President of the State of Israel, Mr. Ezer Weitzman, who unequivocally stated to us his support of halting the peace talks as long as the Palestinian Authority refuses to comply and extradite the murderers to the State of Israel.

We look upon this issue of the extradition of the savage murderers of our children as not simply a political issue, but rather as a moral issue of the highest order.

The United States of America has been courageously battling terrorism for many years. In view of this honorable policy, it behooves this great country to insure the extradition of terrorists as a primary condition for the continuation of aid to the Palestinian Authority. Compliance with this matter by the Palestinian Authority will be a true test of the sincerity of the P.L.O., heretofore a terrorist organization, now professing to be a peace seeking organization.

As mothers struggling to cope with the incessant pain and sorrow of our losses, we wish to have a dialogue with members of the Senate. It would be scandalously immoral to provide the P.L.O. with funds as long as they continue to refuse to allow the State of Israel to bring the terrorists to justice.

Dear Senator, your intervention is our only hope. Our children cannot return to us. We dare not compromise their honor.

Please accept our heartfelt appreciation for your efforts regarding this critical issue.

Sincerely,

YEHUDIT SHACHOR.
BILHA BACHRACH.
RIFKA FORER.
BATYA BACHAR.

[From the New York Times, June 12, 1995]

On My Mind:

THE P.L.O. PAPERS

AID, CONGRESS AND A MOTHER-IN-LAW

(By A. M. Rosenthal)

Should the United States continue giving hundreds of millions of dollars to the Palestine Liberation Organization, and under what conditions?

Has Yasir Arafat lived up to the existing conditions of American aid? For instance, is all international money distributed through the P.L.O. being used for the economic benefit of Palestinians in territory turned over by Israel? Or has he used foreign help for his own personal and political purposes?

That is what is going on, according to copies of 28 letters in my possession. They deal with orders from Mr. Arafat's top finance aide in the Palestinian National Authority to Pecdar, the Palestinian economic development organization, which handles international aid and is supposed to be independent of political direction from Mr. Arafat.

With admonishments of secrecy, the letters contain instructions, and pecdar notices of compliance, to allocate money to such projects as buying a large chicken farm, other land, apartments and companies for P.L.O. notables, enlarging holdings in Jerusalem—and $2.5 million for an expanded propaganda apparatus, the money to be channeled through Mr. Arafat's mother-in-law.

Pieces of the correspondence have been printed in Israel, but have not surfaced publicly in the U.S. until this column.

The P.L.O. says they are forgeries. The Israeli Government does not want anything to interfere with U.S. aid to the P.L.O., as these letters could, but has been interestingly noncommittal about the letters.

The Clinton Administration also does not want any glitches about U.S. aid to the P.L.O. But American intelligence has been asked to examine the letters by Representative Ben Gilman, New York Republican, chairman of the House International Relations Committee.

I got them from Israeli and American sources who feel the labor Government's negotiating techniques with the P.L.O. and Syria amount to a giveaway of Israeli security that will not bring a lasting peace but make it impossible.

Iraeli officials finger Yigal Carmon, former adviser on terrorism to the previous and current Israeli Prime Ministers, as the source. He certainly was not mine. After I showed him the letters a month ago he returned with a reply he said he wished he did not have to make: certain informalities in Arabic usage gave him pause. Now he says that after consultations with other Palestinian and Israeli specialists, his linguistic questions are answered and the letters are authentic. Other anti-terrorist experts, who spent four months checking the letters, say they are not forgeries.

Spokesmen for the U.S., Israel and the World Bank tell me that the political projects outlined in the letters do not come from their contributions. They volunteered that the money could have come from other contributing nations or that international funding could have freed up more P.L.O. funds for secret political actions.

The letters are not the only question that the House and Senate will have to consider about continuing the $500 million U.S. aid to the P.L.O.

Why has Mr. Arafat not lived up to the condition that the P.L.O. eliminate the death-to-Israel clauses from its convenant? Will he ever stop encouraging Palestinians to believe that the peace negotiations are the first phase toward the convenant goal of control over all of what is now Israel? Why have more Israelis died in terrorist attacks since the Oslo agreement than before?

But the basic question before Congress is this:

Will peace be killed by insisting on P.L.O. compliance with conditions already outlined by the U.S. but unfulfilled by the P.L.O.? That is what Israeli and U.S. officials say they believe. Or could that make a lasting peace somewhat more possible? (My belief.)

In the Senate, Alfonse M. D'Amato, a Republican, demands proof of P.L.O. compliance on anti-terrorist action and changing the convenant as a price of aid. In the House, Democrats and Republicans have introduced wording that would also reduce aid if any is misspent. Among them are Democrats Eliot Engel and Charles Schumer of New York and Republicans Jim Saxton of New Jersey and Tom DeLay of Texas.

That's one great thing about Congress—there are always members of both parties around who insist on bringing up issues about which the Administration of the day wants only considerable shut-up.

PALESTINIAN ECONOMIC COUNCIL, DEVELOPMENT AND RECONSTRUCTION, (PECDAR),

December 17, 1994.

To the comrade Mohammad Zuhdi Alnashashiby, Finance Minister—Gaza.

Greetings of Return.

Referring to your letter dated 12.12.1994 No. MP/30/305 concerning the founding of a corporation of the name of corporation of advancing for import and export Palestinian sited in the city of Ramallah which shall be managed by the comrade Jameel Titarify with the participation of the national palestinian authority by 60% (six million US DOLLARS) a contact has been established with the comrade Jameel Altarify and the following steps have been taken:

1. The required amount has been shifted to the account of the comrade Jameel Altarify abroad for covering the financial commercial credits.

2. The receiving bank has confirmed reception of the transfer.

3. We have obtained a written commitment from the comrade Jameel Al tarify that the amount is a deposit in his hands.

We request to inform the comrade leader Abu Amar about the details and performance of the matter.

Respectfully,

Chairman, Palestinian Economic Council, Development and Reconstruction.

THE NATIONAL PALESTINIAN AUTHORITY, MINISTRY OF FINANCE,

August 25, 1994.

To the Chairman of the Palestinian Economic Council for Development and Reconstruction (PECDAR), Jerusalem.

Greetings of return.

In accordance with the desire of the comrade leader Abu Amar the President of the National Palestinian Authority to found a company for importing and exporting Ltd, according to the necessity and in order to ensure full and effective control on the commercial market it has been decided to assign this matter to the comrade Jameel Altarify with the participation of members of the frame of FATAH in the West Bank in the following manner:

1. To found a company in the name of "the Palestinian advanced company for importing and exporting under the management of the comrade Jameel Altarify who shall choose such appropriate people from the frame of FATAH.

2. The capital of the company shall be ten million dollars.

3. The National Palestinian Authority shall participate for 60% and its participation shall be registered in the name of sworn members of the frame of FATAH.

4. The central office of the company will be in the city of Ramallah. It may open branches in any part of the West Bank and Gaza Strip.

Please take all necessary steps for full execution of the matter and have us informed.

Respectfully,

MUHAMMAD ZUHDI ALNASHASHIBY,
Finance Minister.

PALESTINIAN ECONOMIC COUNCIL, DEVELOPMENT AND RECONSTRUCTION, (PECDAR)

December 15, 1994.

To the comrade Mohammad Zuhdi Alnashashiby, Finance Minister—Gaza.

Greetings of Return.

Referring to your letter dated 28.11.1994 No. MP/30/227 in the matter of founding a general

contracting company for importing huge apparatus for construction similar to what is in international companies under the control and management of the comrade Jameel Altarify, the part of the National Palestinian Authority in the capital being thirty million dollars from fifty million dollars namely a proportion of 60%, we are to inform you the following:

1. The required transfer of the amount has been effected to the account of the comrade Jameel Altarify according to his request in his personal account abroad.

2. The bank has confirmed receipt of the transferred money.

3. We have taken a commitment from the comrade Jameel Altarify that the amount is a trust in his hand on behalf of the national palestinan authority.

Please do inform the leader comrade Abu Amar the President of the National Palestinian Authority about the matter in the due way.

Respectfully,

——— ———

Chairman, Palestinian Economic Council, for Development and Reconstruction.

THE NATIONAL PALESTINIAN AUTHORITY, MINISTRY OF FINANCE,

August 28, 1994.

To the Chairman of the Palestinian Economic Council for Development and Reconstruction (PECDAR), Jerusalem.

Greetings of return.

The comrade leader Abu Amar has communicated to us his wish for the formation of a general contracting company for building and importing of the huge apparatus for building like bulldozers and cars and modern supplies. Since the brother Jameel Altarify has a wide experience in this field it has been decided to assign to him this matter in the following manner:

1. A limited company shall be founded with shareholders from inland and abroad and it ought to compete with the international companies.

2. The capital of this capital shall be one million American dollars.

3. The company shall be sited in the city of Ramallah.

4. The national authority shall participate by 60% in the capital and its participation shall be registered in the names of men belonging to the cadre of FATAH who are reliable.

5. The approved capital of the company shall be fifty million dollars.

6. The necessary measures shall be taken for a speedy foundation of the company.

Please ensure taking the necessary financial and secondary measures to inform the comrade leader Abu Amar the President of the National Palestinian Authority.

Respectfully,

MUHAMMAD ZUHDI ALNASHASHIBY,

Finance Minister.

PALESTINIAN ECONOMIC COUNCIL, DEVELOPMENT AND RECONSTRUCTION, (PECDAR),

September 25, 1994.

To the comrade Mohammad Zuhdi Alnashashiby, Finance Minister—Gaza.

Greetings of Return:

Referring to your letter dated 17.9.1994 No. MP/30/155 we inform you immediately that all the measures for the execution of the orders of the comrade leader Abu Amar President of the National Palestinian Authority in the matter of financing the special central computer, in the following way:

1. On the basis of banking arrangements with the brother Dr. Nabeel Sha'ath minister of planning and international cooperation, it appears that he prefers to deal with his sons Ali and Maxin in this project.

2. The required informations have been obtained on the sons accounts abroad.

3. There was accomplished the transfer of eight dollars as required.

4. The bank has confirmed receipt of the transfer.

Please inform the leader comrade Abu Amar President of the National Palestinian Authority that his orders have been executed in due form.

Respectfully,

——— ———

Chairman, Palestinian Economic Council, Development and Reconstruction.

THE NATIONAL PALESTINIAN AUTHORITY, MINISTRY OF FINANCE

To the Chairman of the Palestinian Economic Council for Development and Reconstruction (PECDAR), Jerusalem.

Following our letter of 3.9.1944 No. MP/30/126 and relating to the instructions provided there by the comrade leader Abu Amar, President of the National Palestinian Authority and in pursuance of performing the projects (the comrade Dr. Nabeel Sha'ath) chairman of the Palestinian Economic Council for development and reconstruction, the second project concentrates on the following:

1. The private special central computer: There shall be founded a corporation for the private (or special) central computer in addition to the one which is the National Palestinian Authority.

2. The said corporation shall instruct and counsel in the technical and scientific operation of the central computer of the Authority in all places of the Gaza Strip. This activity shall further extend to the West Bank and to Jerusalem, capital of the Palestinian State.

3. The capital of the private corporation shall be eight US million dollars which shall be paid by the National Authority immediately to the corporation.

4. The corporation shall immediately appoint the necessary staff from the country and abroad, and they should be highly qualified.

5. The direct managers shall be the sons of Dr. Nabeel Sha'ath, Ali and Mazin, who are experts in this field.

The comrade leader Abu Amar, President of the National Palestinian Authority shows the highest interest in this scientific and technological project and urges to deal with it diligently.

Respectfully,

——— ———

PALESTINIAN ECONOMIC COUNCIL, DEVELOPMENT AND RECONSTRUCTION (PECDAR),

October 7, 1994.

To the comrade Mohammad Zuhdi Alnashashiby, Finance Minister—Gaza.

Greetings of Return.

Referring to your letter dated 30.9.1994 No. MP/30/168 we are to inform that the necessary measures for the setting and enlarging of the corporation TEAM in Jerusalem has been effected with MM. Ali and Mazin sons of the comrade Dr. Nabeel Sha'ath Minister of Development and Reconstruction at the National Palestinian Authority in a way which is convenient to them. We shall add the following:

1. We have suggested to them a building in the suburb of the Bareed which comprises eight flats with a preliminary consent

2. A special budget has been assigned for purchasing of apparatus according to what was decided

3. A budget has been assigned for expenses and wages

Please convey to the comrade leader Abu Amar President of the National Palestinian Authority the content of this letter

Respectfully,

——— ———,

Chairman, Palestinian Economic Council, Development and Reconstruction.

THE NATIONAL PALESTINIAN AUTHORITY, MINISTRY OF FINANCE.

To the Chairman of the Palestinian Economic Council for Development and Reconstruction (PECDAR), Jerusalem.

Greetings of return.

Following our letter of 17.9.1994 No. MP/30/155 and in performance of the instructions, provided there, of the comrade leader Abu Amar, President of the National Palestinian Authority and in pursuance of performance of the projects which have been attributed to Dr. Nabeel Sha'ath, the chairman of the council of planification and international cooperation, we are to inform you that the third project to be executed will concentrate on the following:

1. The international planning corporation for administration which is managed by the sons of the comrade Dr. Nabeel Sha'ath, and which have branches in Egypt and Lebanon and through it the Palestinian Authority will be able to obtain private informations and set clubs and congress in the country and abroad.

2. It will be agreed to purchase a building in Arab Jerusalem or its suburbs for an amount of two million dollars, to be the residence of the said corporation.

3. An amount of one million dollars shall be given to purchase the necessary office furnitures and appliances.

4. A budget of expenses in administrative matters and current expenses for an amount of two million dollars for a start. Therefore the required amount is five million dollars.

We stress the importance of the project and the necessity to provide diligently the required amounts.

Respectfully,

MUHDI ZUHDI ALNASHASHIBY.

PALESTINIAN ECONOMIC COUNCIL, DEVELOPMENT AND RECONSTRUCTION, (PECDAR),

October 15, 1994.

To the comrade Mohammad Zuhdi Alnashashiby, Finance Minister—Gaza.

Greetings of Return.

Referring to your letter dated 7.10.1994 No. MP/30/305 concerning the development projects which are under the management of the comrade Dr. Amin Hadad one of the pillars of the PECDAR member of the economic delegation which was negotiated in Paris and on the basis of the decree of the comrade leader Abu Amar, the transfer of fifteen million dollars has been effected according to the bank informations which have been brought to us by him.

We have checked the effective transfer of the said amount to his personal account in due course. Please inform the comrade leader Abu Amar that it has been done according to his wish.

Respectfully,

——— ———,

Chairman, Palestinian Economic Council, Development and Reconstruction.

THE NATIONAL PALESTINIAN AUTHORITY, MINISTRY OF FINANCE.

To the Chairman of the Palestinian Economic Council for Development and Reconstruction (PECDAR), Jerusalem.

Greetings of return.

On the basis of a decree of the comrade leader Abu Amar, President of the National Palestinian Authority and his full faith in one of the elements of the Palestinian Economic Council for development and Construction (PECDAR) and its unrelenting efforts for the setting of the institutions of the Authority, the leader symbol has decided to nominate Dr. Amin Haddad to manage the private projects. He shall have the power to appoint the faithful and reliable elements from among the cadre of "FATH". In order that the Authority should stay away from these projects the following shall be done:

1. The projects shall have the special stamp "A private or public shareholders corporation", its shareholders shall be Palestinians from the country and from abroad.

2. The foundation of construction which shall be named "The Palestinian corporation for projects and construction" shall build dwelling flats in the city of Ramallah with a capital of fifteen million US dollars.

3. There is no objection in having landowners participating in the said corporation.

4. A financial arrangement shall be provided with Dr. Amin Haddad to pay the approved amount in a way convenient to him.

5. The properties of this corporation shall belong to the National Palestinian Authority.

We stress that the comrade leader Abu Amar has the highest interest in this matter.

Respectfully,

MUHAMMAD ZUHDI ALNASHASHIBY.

PALESTINIAN ECONOMIC COUNCIL, DEVELOPMENT AND RECONSTRUCTION (PECDAR),

September 11, 1994.

To the comrade Mohammad Zuhdi Alnashashiby, Finance Minister—Gaza.

Greetings of Return.

Referring to your letter dated 3.9.1994 No. MP/30/126 Dr. Nabeen Sha'ath minister of planning and international cooperation—for the founding of a technological architectural corporation in both the Gaza Strip and West Bank, we inform you the following:

1. We have contacted the comrade Dr. Nabeel Sha'ath. He has furnished us the necessary banking informations.

2. The required transfer has been effected from the "special accounts".

3. The bank has confirmed receipt of the amount and its transfer in the account of the comrade Dr. Nabeel Sha'ath.

Please convey these informations to the comrade leader Abu Amar, President of the National Palestinian Authority and that his orders have been fully executed.

Respectfully,

——— ———,

Chairman, Palestinian Economic Council, Development and Reconstruction.

THE NATIONAL PALESTINIAN AUTHORITY, MINISTRY OF FINANCE,

September 3, 1994.

To the Chairman of the Palestinian Economic Council for Development and Reconstruction (PECDAR), Jerusalem.

Greetings of return.

In accordance with the instructions of the comrade leader Abu Amar, and whereas it is mandatory to initiate a technological scientific activity in the Gaza Strip and West Bank on a desirable scientific level, it has been decided to bestow this function on the Minister of Planning and International Cooperation Dr. Nabil Sha'ath, since these are private and personal projects and they should not contradict the interests of the other party who could exploit them politically in international circles among the donors and the Americans and thus may cause hard problems to the National Palestinian Authority. Therefore, the comrade leader Abu Ammar has decided to start as follows:

1. To found a technological architectural corporation having the required qualifications. It will start its activities first of all in the Gaza Strip and then shall go to the West Bank and the Arab villages and their suburbs.

2. The said corporation shall deal with instructing and counseling in the architectural and technological matters in the private and public sectors.

3. The capital of the corporation shall be five million US dollars. It may be increased, if necessary, by setting a shareholders corporation with the participation of Palestinians from the country and abroad.

We emphasize that the comrade leader Abu Amar considers the matter of setting the corporation as specially important.

Respectfully,

MUHAMMAD ZUHDI ALNASHASHIBY.

PALESTINIAN ECONOMIC COUNCIL, DEVELOPMENT AND RECONSTRUCTION (PECDAR)

October 28, 1994.

To the comrade Mohammad Zuhdi Alnashashiby, Finance Minister—Gaza.

Greatings of Return.

Referring to your letter dated 20.10.1994 No. MP/30/225 in the matter of the industries and antiques of Naplus that will be assigned to the comrade Amin Hadad and in accordance with the wishes of the comrade Abademar, the following financial procedures have been accomplished:

1. by arrangement with the comrade Dr. Amin Hadad instructions have been given for the transfer of the required amount six million US dollars.

2. A notice has been received to the effect that the amount has been received and entered in the personal account of the comrade Dr. Amin Hadad.

3. He has given a commitment personal that this project (according to the share) is the property of the National Palestinian Authority.

4. He has given a commitment that he will involve the maximum number of industrials in the city of Naplouse in this project.

Please convey to the comrade leader President of the National Palestinian Authority about the execution of his order.

Respectfully

——— ———,

Chairman.

It is forbidden to read this document without the special authorization of the President.

THE NATIONAL PALESTINIAN AUTHORITY, MINISTRY OF FINANCE,

October 20, 1994.

To the Chairman of the Palestinian Economic Council for Development and Reconstruction (PECDAR), Jerusalem.

Greetings of return

In execution of the order of the comrade leader Abu Amar the President of the National Palestinian Authority to bestow on the comrade Dr. Amin Hadad the function of developing industries in Naplus and mainly the soap industry and the antiques in the city and the neighbouring villages by founding a corporation which will gather all industrials in the city with a capital for an amount of ten million US dollars in which the National Authority shall participate with six million dollars it being 60% of the capital.

We request to take the necessary measures for the setting of this corporation on the aforesaid conditions. The National Authority shall be represented by Dr. Amin Hadad in his name and on behalf of persons from our staff reliable and having a good name.

In accordance with the desire of the comrade leader Abu Amar President of the National Palestinian Authority, the amount of six million US dollars should be diligently paid in a due way.

Respectfully

MUHAMMAD ZUHDI ALNASHASHIBY,

Finance Minister.

PALESTINIAN ECONOMIC COUNCIL, DEVELOPMENT AND RECONSTRUCTION (PECDAR),

November 11, 1994.

To the comrade Mohammad Zudhi Alnashashiby, Finance Minister—Gaza.

Greetings of Return.

Referring to your letter dated 30.10.1994 No. MP/30/241 concerning the Palestinian corporation for importation of iron and steel Ltd which the comrade Dr. Amin Hadad member of (PEDCAR) intends to found we are to inform you the following:

1. An understanding has been reached with the comrade Dr. Amin Hadad on the manner he prefers for the operation of financing.

2. A commitment has been obtained from the comrade Dr. Amin Hadad that the said corporation belongs to the Palestinian Authority and that it is a deposit in his hands.

3. You will be informed at the completion of the procedures of financing and reception of the amount and its deposit in the account of the comrade Dr. Amin Hadad soon with the wish of God.

Please inform the comrade Abu Amar president of the National Palestinian Authority on the details of the procedures.

Respectfully,

——— ———,

Chairman, Palestinian Economic Council, Development and Reconstruction.

It is forbidden to read this document without the special authorization of the President.

THE NATIONAL PALESTINIAN AUTHORITY, MINISTRY OF FINANCE,

August 25, 1994.

To the Chairman of the Palestinian Economic Council for Development and Reconstruction (PEDCAR), Jerusalem.

Greetings of return

The matter: A Palestinian Corporation for importation of iron and steel.

According to the instruction of the remarkable leader the comrade Abu Amar President of the National Palestinian Authority for the formation of a corporation which shall start to import iron and steel and to develop, the comrade leader has decided to put the comrade Dr. Amin Haddad in charge of this enterprise in the following way:

1. A limited corporation shall be registered under the name of the Palestinian Corporation for importation of Iron and Steel Ltd.

2. The corporation shall be sited in the city of Naplus.

3. Its capital shall be twenty million US dollars.

4. The National Palestinian Authority shall participate with a capital of 60% namely twelve million dollars and the balance shall be provided by shareholders (eight million dollars).

5. Activating the construction in the city and putting to market with favorable prices

iron and steel and also for local industrial organizations.

The comrade leader Abu Amar the President of the National Palestinian Authority stresses the acting in a speedy way in taking the necessary measures in order to publicise this corporation in the region.

Respectfully

MUHAMMAD ZUHDI ALNASHASHIBY,
Finance Minister.

PALESTINIAN ECONOMIC COUNCIL, DEVELOPMENT AND RECONSTRUCTION (PECDAR),

September 8, 1994.

To the comrade Mohammad Zuhdi Alnashashiby, Finance Minister—Gaza.

Greetings of Return.

Referring to your letter dated 12.8.1994 No. MP/30/85 which includes the decree by the comrade leader Abu Amar concerning the setting and founding of a poultry farm in Beer Zeit (Ramallah) which will specialize in strengthening the palestinian economy we inform you as follows:

1. We obtained all the plans and necessary informations concerning this project, we have studied it and have decided as follows:

2. We have contacted the comrade pressman Mr. Ibrahim Alkarain and obtained from him the necessary bank informations

3. The transfer of the required amount has been effected from the "special accounts"

4. The bank has confirmed to us receipt of the amount and its transfer in the account of the comrade Ibrahim Alkarain

Please convey these informations to the comrade leader Abu Amar President of the National Palestinian Authority and that his orders have been fully executed.

Respectfully

_____,
Chairman, Palestinian Economic Council, Development and Reconstruction.

It is forbidden to read this document without the special authorization of the President.

THE NATIONAL PALESTINIAN AUTHORITY, MINISTRY OF FINANCE

August 12, 1994.

To the Chairman of the Palestinian Economic Council for Development and Reconstruction (PECDAR), Jerusalem.

Greetings of return

Whereas the National Palestinian Authority acts through the faithful palestinian elements to build and execute the economic projects and to help our people to progress and to be self-sufficient in our local markets and to rely on our products provided by our faithful people, therefore the comrade leader Abu Amar has decided as follows:

1. To set a huge poultry farm on a space of land of ten dounams. The place has already been chosen in the region of Beer Zeit (district of Ramallah). It will require the purchase of machines for . . . and whatever is needed by the farmer in order to compete with the international farms.

2. The capital of this farm shall be 1.5 million US dollars at the start.

3. The farm shall be managed by the pressman Mr. Ibrahim Alkarain owner of the review "Alawda" (The Return) and of the Palestine Press Office to him and his partners.

We stress that the comrade leader Abu Amar has the highest interest in the matter as it will provide work to palestinians.

Respectfully

MUHAMMAD ZUHDI ALNASHASHIBY,
Finance Minister.

PALESTINIAN ECONOMIC COUNCIL, DEVELOPMENT AND RECONSTRUCTION (PECDAR),

November 11, 1994.

To the comrade Mohammad Zuhdi Alnashashiby, Finance Minister—Gaza.

We refer to your letter dated 19.11.1994 No. M/30/266 and are to inform you immediately that all the measures for the execution of the instructions of the comrade leader Abu Amar President of the National Palestinian Authority concerning the financing of the Palestinian Press Office Review Alawda, as follows:

1. The necessary informations have been obtained from the pressman Ibrahim Tlkarain on his personal account in France he and his partners Remonde Altaweel.

2. The transfer has been effected of 2.5 million American dollars.

3. The bank has confirmed receipt of the transfer.

4. The way of transfer is sophisticated and the other party cannot in any way discover the way and style which has been taken in the transfer.

5. We have received an excessively important letter from the comrade Remonda Altaweel confirming receipt of the whole amount and thanking the comrade and beloved father Mr. Yasser Arafat "Abu Amar" with thanks from the Palestinian diaspora in France.

Please inform the comrade Abu Amar president of the National Authority that his orders have been executed properly.

Respectfully,

_____,
Chairman, Palestinian Economic Council, Development and Reconstruction (PEDCAR).

THE NATIONAL PALESTINIAN AUTHORITY, MINISTRY OF FINANCE,

November 19, 1994.

To the Chairman of the Palestinian Economic Council for Development and Reconstruction (PEDCAR), Jerusalem.

Greetings of return.

Whereas the National Palestinian Authority encourages the saying of truth which stands above all, and encourages the development of a Palestinian press and journalists that they utter the truth with no fear of any danger anywhere and pursue the enemies of the homeland and unveil them to the public, therefore the comrade leader has proclaimed as follows:

1. The Palestinian Press Office shall support the comrade journalist Ibrahim Alkarain, the owner of the office which is sited in Arab Jerusalem, the capital of Palestine (Journal of the Return) and helping him to purchase modern printing machines and sophisticated computers and the purchase of press offices and providing for payments of employees and pressmen.

2. The center of the said office shall be in the Arab Jerusalem, the capital of the state of Palestine.

3. A preliminary amount of 2.5 million US dollars shall be provided in installments to be decided on.

4. A financial arrangement shall be provided to expend the amount in a way which will be convenient to (him).

Please take the necessary steps to execute the aforesaid and have us informed.

Respectfully,

MUHAMMAD ZUHDI ALNASHASHIBY.

PALESTINIAN ECONOMIC COUNCIL, DEVELOPMENT AND RECONSTRUCTION (PECDAR),

August 23, 1994.

To the comrade Mohammad Zuhdi Alnashashiby, Finance Minister—Gaza.

Greetings of return.

Referring to your letter dated 15.8.1994 No. MP/30/1994 which includes the matter of the decree promulgated by the comrade leader Abu Amar concerning the "inland Palestinians" from among members of the Knesseth and parties and philanthropic and cooperative organizations and local councils and private councils and churches "helps and contributions" and that this matter should be held directly and intensively by the brother Dr. Ahmad Tiby, we are to inform you as follows:

1. We have contacted Dr. Ahmad Tiby who has visited our office personally and he prefers not to talk on the telephone.

2. He has assured us of the necessity to pursue the transfer in the same way.

3. We should inform him by code of the receipt of the amount in his account special abroad.

4. The amount has been transferred and entered in his account in due form.

Please inform the comrade leader Abu Amar that the matter has been effected in the most secret way due to the sensitivity of the operations.

Respectfully,

_____,
Chairman.

THE NATIONAL PALESTINIAN AUTHORITY, MINISTRY OF FINANCE,

August 5, 1994.

To the Chairman of the Palestinian Economic Council for Development and Reconstruction (PECDAR), Jerusalem.

Greetings of return.

Following our letter dated 7.8.1994 No. MN/30/75 in the same matter on the basis of building the auxiliary apparatus, the comrade leader Abu Amar has decided that the activity of the National Palestinian Authority should spread inside Israel and concentrate on the Arabs and inland Palestinians and that this function should rest on the comrade Dr. Ahmad Tiby and the comrades ought to be chosen from among the members of the Knesseth, the Municipal and Local Councils, the philanthropic organizations, the cooperatives, the villages and the churches in view of gaining their collaboration in achieving the following:

1. Helping the various parties which support the foundation of the Palestinian State which will include Jerusalem.

2. Helping such local councils as are suffering from financial deficit.

3. Contributing to the philanthropic and cooperative associations.

4. Contributing to the village councils.

5. Contributing to the bishops and religious persons who lead the churches of various communities.

6. For these activities an amount of twenty million US dollars shall be immediately reserved.

As it was mentioned in my previous letter the comrade leader Abu Amar recommends that the activities of the said committee should not be noticed by the public and they should be far and away from journalists and statesmen.

Respectfully,

MUHAMMAD ZUHDI ALNASHASHIBY,
Finance Minister.

PALESTINIAN ECONOMIC COUNCIL, DEVELOPMENT AND RECONSTRUCTION (PECDAR)

August 31, 1994.

To the comrade Mohammad Zuhdi Alnashashiby, Finance Minister—Gaza.

Greetings of Return.

Referring to your letter dated 25.8.1994 No. MP/30/111 concerning the building of dwelling flats in Arab Jerusalem and its suburbs by decree of the leader comrade Abu Amar and assigning the matter to Dr. Ahmad Tiby with direct responsibility we are to clarify the following:

1. The transfer of the amount of twelve million dollars in the same way is not easy now.

2. Half of the amount may be transferred immediately (namely six million dollars) and the other half may be paid after a month from today.

3. The comrade Dr. Ahmad Tiby has consented to divide the amount and has affirmed that there is no urgency now and no prejudice will come out of the postponing.

Please convey the actual picture to the comrade leader Abu Amar and clarify that the amount of six million dollars has been brought in the account of the comrade Dr. Tiby when this letter will reach you.

Respectfully,

——— ———,

Chairman, Palestinian Economic Council, Development and Reconstruction.

It is forbidden to read this document without the special authorization of the President.

THE NATIONAL PALESTINIAN AUTHORITY, MINISTRY OF FINANCE,

August 25, 1994.

To the Chairman of the Palestinian Economic Council for Development and Reconstruction (PECDAR)—Jerusalem.

Greetings of return.

In pursuance to our letter dated 15.8.1994 No. MF/30/93 (Dr. Ahmad Tiby) I am to inform you that the comrade leader Abu Amar has instructed me to convey to you his desire for the construction of dwelling flats in the Arab Jerusalem and its suburbs in buildings of ten flats each or more in accordance with the Town Planning Law (authorized) and that for this purpose an amount of twelve million US dollars should be assigned and the project should not be registered in the name of the National Palestinian Authority lest it would attract reactions from the other party which will be difficult for us to solve. Therefore, it shall be arranged as follows:

1. The comrade Dr. Ahmad Tiby shall be responsible for the setting of this commission with reliable people under his chairmanship.

2. There is no objection to the participation in this project of landlords who wish so.

3. An architectural tactic shall be followed whereby, if circumstances allow that, the same maps shall be used so that the building in all regions will be similar.

3.The moves of the commission should not attract any attention.

Please deal with the matter in the most secret way due to its sensitiveness and to the position of the comrade Dr. Ahmad Tiby in the region.

Respectfully,

MUHAMMAD ZUHDI ALNASHASHIBY,

Finance Minister.

PALESTINIAN ECONOMIC COUNCIL (PECDAR)

August 17, 1994.

To the comrade Mohammad Zuhdi Alnashashiby, Finance Minister—Gaza.

Greetings of Return.

With reference to your letter dated 7.8.1994 No. MP/30/75 relating to the decree of the leader comrade Abu Amar concerning the setting of a land corporation sited in the city of Jerusalem which will specialize in purchasing lands in Arab Jerusalem (Eastern) the capital of the Palestinian State with the will of God and in the Old City, we are to inform you the following:

1. We have contacted the comrade Dr. Ahmad Tiby and have obtained from him the bank informations and the way and style which he prefers for the transfer of the required amount at the inception of this project.

2. The method of transfer of the amount is sophisticated and convincing. The other party will never be able, to discover the way and method whereby the transfer is effected.

3. We have contacted the bank to which the transfer has been effected and it has confirmed its receipt.

Please assure the comrade leader Abu Amar that the matter has been executed precisely and most secretly.

Respectfully,

——— ———,

Chairman.

It is forbidden to read this document without the special authorization of the President

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THE NATIONAL PALESTINIAN AUTHORITY, MINISTRY OF FINANCE,

August 2, 1994.

To the Chairman of the Palestinian Economic Council for Development and Reconstruction (PECDAR)—Jerusalem

Greetings of return.

Since the National Palestinian Authority, with the assistance of faithful palestinian elements, is building various assisting apparatus in view of strengthening the basis of the palestinian state to which all aspire with the help of God in our beloved homeland while concentrating on the holy Jerusalem in order to strengthen our position there and intensify our presence in an active and strong way;

And whereas we don't want to have this activity appear in the name of the National Palestinian Authority lest it would be exploited counter for political aims in international circles by the other party and consequently jeopardize the peace process and the good name of the Palestinian Authority in the international circles by the (missing word) and mainly the American administration;

Therefore the comrade leader has decided as follows:

1. To found a land corporation which will be sited in Jerusalem, which will purchase lands in East Jerusalem and in the Old City and only in the name of this corporation.

2. The capital of the corporation shall be fifteen million american dollars at the start.

3. The manager of the chairman of the board will be Dr. Ahmad Tiby and the members of the Board will be the following:

1. Bassam Tcdel Hameed Alsa'ih, 2. Haj Faiz tk'ubaidy, 3. Abd Abu Diyab, 4. The lawyer Ali Guzlan, 5. Abdel Rauf Abu Assab (Abu Kaid), 6. Haj Tewfik Abu Zahra.

We stress that it is the desire of the comrade leader Abu Amar that the meetings of this group should be held secretly and its activities should not be noticed and it should keep its documents and registries away from the other party.

Respectfully,

——— ———.

Mr. LEAHY. Mr. President, if nobody else is seeking recognition, 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. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 2724

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

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. COHEN] proposes an amendment numbered 2724.

Mr. COHEN. 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 an appropriate place in the bill, insert the following new section:

SEC. . REPORT ON RUSSIAN MILITARY OPERATIONS.

(a) No later than three months after the date of enactment of this act, the President shall declassify, to the maximum extent 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 in 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 Azerbaijan 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 Ministry 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; and

(5) Russian compliance with the Treaty on Conventional Armed Forces in Europe and the Organization on Security and Cooperation in Europe's Code of Conduct on the Politico-Military Aspects of Security.

Mr. COHEN. Mr. President, early last year, Mr. President, the Senate adopted an amendment I offered to require the President to submit a report on the revised Russian military doctrine and Russian military operations outside Russia's border.

The report was necessary because Russia has been engaging in a systematic effort to regain effective control over the countries that formerly made up the Soviet Union. The tools Moscow has been using in this effort have included economic, political, and military, including blatant military intervention and covert military actions.

Moscow fomented secessionist war on Georgia, bringing the government of Eduard Shevardnadze to the brink of defeat. Once Moscow had coerced him to capitulate to its demands to join the Commonwealth of Independent States and give Moscow permanent military bases, Russian troops rushed in to keep the peace.

In Moldova, Russian troops assisted ethnic Russian secessionists establish a self-proclaimed independent republic sandwiched between Moldova and Ukraine's western border.

In oil-rich Azerbaijan, Russian troops provided assistance to rebel forces that overthrew the democratically elected government and then may have supported coup efforts against the new government once it refused to succumb to Moscow's effort to dictate to it on oil policies.

Russian troops are heavily involved in the civil war in Tajikistan and patrol the borders of Tajikistan and Armenia, putting them once again on NATO's border.

The revised Russian military doctrine asserts Russia's right to intervene militarily throughout the territory that was the Soviet Union.

And so the Senate adopted the amendment requiring the President to tell us and the American people what the Russian military was doing and what the implications were for American and allied security.

But when the President submitted the report last September, it was classified from cover to cover, even though much of the report did not warrant being restricted by a security classification. The decision to throw a cloak of secrecy over this report probably was not related to the fact that it was submitted just a few days after his Washington summit with President Yeltsin. I am only speculating here, but perhaps the administration did not want to embarrass President Yeltsin, although it is not clear that he would have been embarrassed at all. Just prior to the summit, President Yeltsin embraced a Russian Foreign Intelligence Service report calling for reintegration of the former Soviet republic into a single economic and defense zone, complete with a unified military command and a Russian nuclear umbrella.

Perhaps the administration was worried about being embarrassed itself given its acquiescence to Russia military adventures.

In any case—no need to speculate about this—the decision to classify the report from cover to cover has prevented Congress from conducting a complete public debate about Russian actions and the administration's policy toward Russia, and it has prevented the American people from becoming fully informed on these matters.

And so I am offering an amendment today to require that the report be declassified to the maximum extent possible. The amendment also requires submission of an addendum, unclassified to the maximum extent possible, updating the information in the report.

Among the more recent issues that need to be addressed in the addendum are the agreement Prime Minister Chernomyrdin signed last October to withdraw Russian troops from Moldova within 3 years, which Moscow now seeks to nullify by pressuring Moldova for permanent basing rights. There have been further coup attempts in Azerbaijan in which Moscow might have had a hand as part of its intense effort to compel Azerbaijan to ship its oil through a Russian pipeline. Moscow continues its pressures to unify the defense policies of the newly independent states, with President Yeltsin personally endorsing the effort just last week. And Moscow seems intent on blatantly violating the Treaty on Conventional Armed Forces in Europe, the so-called CFE Treaty, which the administration has called the cornerstone of post-cold-war European military stability but which the administration is not proposing to amend in response to Russian threats to abandon the treaty.

Ironically, the Russians now object. After having negotiated and signed and ratified the CFE treaty—they now object to its provisions.

So, clearly, the need for a well informed public debate is greater today than when the Senate voted on this last year, calling for the President's report. The amendment I offer would ensure that such a debate can take place in Congress, in the media, and in other public fora. So I urge my colleagues to accept, or if not accept, adopt the amendment.

Mr. McCONNELL. I thank the Senator from Maine for bringing up a really, I think, significant issue, just the continued presence of Russian troops in the former Soviet Republics, and how that intimidates those young democracies.

So I think the amendment of the Senator is very well advised. This is the kind of information, it seems to me, that ought to be shared. I commend him for his amendment and I am prepared to support it. I am aware of no opposition on this side.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I have earlier discussed his amendment with the Senator from Maine. There is much I find very appealing, for a number of the reasons that he has laid out. There have been just a couple of questions raised on this side. I wonder if we might delay any action just for a few more minutes.

What I am going to do is suggest the absence of a quorum, but it will be only for a very few—I see the chairman may have something else to say about it. But I suggest, in a few more minutes we may be able to resolve this whole issue. I am sure that would be agreeable to the Senator from Maine.

Mr. COHEN. I have no objection.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, let me say in conclusion on the Cohen amendment, I think Senator KERRY will be here shortly to, as well, offer an amendment upon which a rollcall will be required.

Mr. D'AMATO. Mr. President, I rise to discuss with the chairman of the subcommittee an issue of importance regarding the opening of offices for the Federal Bureau of Investigation and the Secret Service in the triborder area of Argentina, Brazil, and Paraguay. This area has been identified as extremely dangerous with criminal and terrorist elements running rampant in the area. Today's organized terrorist and criminal organizations are international in nature and the presence of these agencies is of paramount importance to the security of the United States and its elected officials. The subcommittee, in its deliberations saw the preponderance of these criminal activities and appropriated funds for the establishment and maintenance of offices for both agencies. The bill in its current form allocates $5 million for both agencies to establish and maintain offices. It is my understanding that this appropriation is to be split evenly between the Federal Bureau of Investigation and the Secret Service, $2.5 million per agency. I realize that this was the intent of the subcommittee and I merely wanted the opportunity to ensure that the RECORD accurately reflects this appropriation.

Mr. McCONNELL. Mr. President, the Senator from New York is correct, and I thank him for his concern. This appropriation is intended to fund the establishment and maintenance of offices for the Federal Bureau of Investigation and the Secret Service. The intent of the subcommittee is for these funds to be split evenly between the two agencies. I understand the ambiguity of the wording in the bill and I hope this dialog will answer any questions or uncertainties.

Mr. D'AMATO. I thank my friend and colleague for that clarification. I feel the importance and immediacy of filling these law enforcement positions

should not be delayed to bureaucratic debate on the amount of funds awarded to the different agencies.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call roll.

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

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

AMENDMENT NO. 2724

Mr. McCONNELL. Mr. President, we have now cleared the Cohen amendment on both sides. I am not aware of any need for further debate.

Mr. LEAHY. Mr. President, as I noted earlier, I support the Cohen amendment. I wanted to doublecheck with a couple of people on this side. I appreciate the Senator from Maine and the Senator from Kentucky delaying action while we did that. That checking has been done.

I compliment the Senator from Maine on his amendment. It is acceptable on this side.

The PRESIDING OFFICER. If there is further debate, the question is on agreeing to the amendment of the Senator from Maine.

The amendment (No. 2724) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, parliamentary inquiry: What is the situation before the Senate right now?

The PRESIDING OFFICER. The pending amendment is No. 2712 offered by the Senator from Alaska.

Mr. HARKIN. Mr. President, so my understanding is that for any amendment offered there has to be unanimous consent to lay aside that amendment. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. Mr. President, I ask unanimous consent to set the amendment aside.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. McCONNELL. Mr. President, I might say I would like to discuss the matter with Senator HARKIN. For the time being I would object to laying the amendment aside until I see what he would like to achieve.

Mr. HARKIN. Mr. President, I have a sense-of-the-Senate resolution which I am going to offer on the bill at some point. I figured since there was a lull in the proceedings, we do not need to take much time.

Senator FEINGOLD and I have an amendment which we would enter into a time agreement on. It is a sense-of-the-Senate resolution. I figured there was no one else doing anything around noontime.

Mr. McCONNELL. Mr. President, I would be happy during the quorum to discuss with the Senator from Iowa what he has in mind. Maybe I would not have an action to laying aside the current amendment. I would like to have a sense of what we are doing here.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PRIVILEGE OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent that floor privileges be granted to Stephanie Eglinton, a Javits fellow currently on Senator BIDEN's staff, for the duration of debate on the Foreign Operations Appropriations Act.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. McCONNELL. Mr. President, I say to my friend from Iowa, would he be agreeable to vote on a motion to table his amendment at a quarter to 1?

Mr. President, I ask unanimous consent that there be a vote on the Harkin amendment, on or in relation to the Harkin amendment at 12:45.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HARKIN. I thank the Senator.

Mr. President, did I understand the unanimous consent that there would be a tabling motion at quarter to 1 with no amendments to my amendment?

The PRESIDING OFFICER. There is a vote ordered on the amendment or in relation to the amendment at 12:45.

Mr. McCONNELL. I might say to the Senator from Iowa, it would be my intention to offer a motion to table at that point.

Mr. HARKIN. A plain motion to table?

Mr. McCONNELL. Yes, a plain motion to table.

Mr. LEAHY. Mr. President, could we ask unanimous consent that no other motions or amendments be in order?

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. I have no objection.

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

Mr. HARKIN. I thank the Chair. I thank the floor managers.

AMENDMENT NO. 2725

(Purpose: To express the sense of the Senate on the conference on S. 4, the Line-Item Veto Act)

Mr. HARKIN. Mr. President, I have an amendment I send to the desk and ask for its immediate consideration on behalf of myself, Senator FEINGOLD, Senator DORGAN, and Senator BRADLEY.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. FEINGOLD, Mr. DORGAN, and Mr. BRADLEY, proposes an amendment numbered 2725:

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE ON THE CONFERENCE ON S. 4, THE LINE ITEM VETO ACT.

(a) FINDINGS.—The Senate finds that—

(1) the line item veto was a major plank in the House majority's "Contract With America" and has received strong bipartisan support in the 104th Congress;

(2) the House of Representatives on February 6, 1995, passed H.R. 2, the Line Item Veto Act of 1995, on a vote of 294–134;

(3) the Senate on March 23, 1995, passed S. 4, the Separate Enrollment and Line Item Veto Act of 1995, on a vote of 69–29;

(4) the House of Representatives passed S. 4, with the text of H.R. 2 inserted, by voice vote on May 17, 1995, 50 days after passage by the Senate;

(5) notwithstanding the failure of the House of Representatives to request a conference, the Senate disagreed with the House amendment, requested a conference, and appointed conferees on S. 4 on June 20, 1995;

(6) the House of Representatives appointed conferees on September 7, 1995, 168 days after both Houses of the Congress had passed line item veto legislation;

(7) with the passage of time, it increasingly appears that the Congress may pass and send to the President not only the appropriations bills for fiscal year 1996 but also the reconciliation bill required by H. Con. Res. 67 (the concurrent resolution setting forth the congressional budget for fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002) without first passing and sending to the President a line item veto bill;

(8) it is now only 9 days until the end of the fiscal year when the fiscal year 1996 appropriation bills need to become law in order to avoid disruption of the Government services; and

(9) the conferees on S. 4 still have not met.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the conferees on S. 4 should meet by September 26;

(2) the conferees should expeditiously resolve the differences between the 2 bills in

sufficient time for the House of Representatives and the Senate to consider the conference report on S. 4 prior to the time the President is required to act upon the first fiscal year 1996 appropriation bill; and

(3) if the conferees do not complete action on the conference report in time to allow for the House of Representatives and Senate to consider the conference report prior to the time the President is required to act upon the fiscal year 1996 appropriation bills, S. 4 should, to the extent possible, contain provisions making the provisions of S. 4 applicable to the fiscal year 1996 appropriation bills and the 1995 reconciliation bill.

Mr. HARKIN. Mr. President, this resolution provides that the conferees meet on the line-item legislation by next Tuesday, September 26.

This sense-of-the-Senate amendment provides that Congress move forward and send the line-item veto legislation to the President expeditiously. It calls on the conferees, as I said, to meet by next Tuesday, and further calls on the conferees to resolve their differences and bring a conference report to the floor in time for the President to use the authority of the line-item veto on the first fiscal year 1996 appropriations bills. And if the conferees do not complete action by that time, the amendment provides that it is the sense of the Senate that the conferees should include a provision to make it effective for the fiscal year 1996 bills already signed.

Mr. President, this body passed a line-item veto bill on March 23. The other body passed it on February 6. It was part of their so-called 100-day Contract With America. But we had to wait not 100 days, or 130, or 140, or 150, we had to wait 168 days for the other body just to appoint conferees.

One of the major items that they wanted—it took them 168 days just to appoint conferees. Days rolled by, weeks rolled by, months rolled by. Still no conferees. Finally, on August 1 Senator DORGAN proposed a sense-of-the-Senate resolution calling on the other body to appoint conferees on the line-item veto legislation. It passed on a vote of 83–14 in this Senate.

And on September 7, the conferees were finally appointed. But to this very day they have not even met. And they have not even scheduled a day to meet. Imagine that? Passed the House on February 6. It passed here on March 23. They appointed the conferees 168 days later. Still have not even met. Unfortunately, we have just 10 days before the end of the fiscal year. And we are not much further than we were a half-year ago toward passing a line-item veto.

Mr. President, I must confess, I am a little confused. I thought this was supposed to be priority legislation of the majority party. I thought we needed it now—not next month, not next year, not next decade, but now. And I thought I heard that the line-item veto was too important to take a back seat to partisan politics.

Well, I know what the cynics might say, "Wait a second. I know what is going on here. The majority does not want to hand this new power over to a Democratic President."

I have to say that could not be the case. After all, on the day that the line-item veto passed the House, the Speaker of the House, Speaker GINGRICH said:

It does show our sincerity, I think, that we are prepared to deal with giving President Clinton increased power because we think it is good for America.

On the day the legislation passed the Senate, our majority leader, Senator DOLE, said:

During the 1980's, opponents of the line-item veto used to say that Republicans supported it only because a Republican happened to be President at the time. With the passage of this measure we hope to dispel that myth once and for all. We believe that any President of the United States, as Chief Executive, should be given more power to reduce Federal spending. . . . Now we are in the majority, and we are prepared . . . to give this authority to a Democratic President.

So, Mr. President, this could not certainly be about partisan politics. This could not be about a Republican Congress and Democratic President. So let us move forward.

Now, Mr. President, I do not think that the line-item veto is a panacea for everything. I had concerns and still have some concerns about it. But I also see the huge job we face in responsibly balancing the budget. I believe the time has come to use all the tools we have. And the line-item veto is one of those tools. We need every effective tool to weed out the wasteful spending and cut the pork and not the people. It will help this country reach a balanced budget more easily and hopefully more quickly.

Let me repeat the words of the majority leader.

We all believe that any President of the United States, as Chief Executive, should be given more power to reduce Federal spending. If we cannot control ourselves—maybe the Chief Executive can help.

I believe that the conferees and the congressional leadership owe the American people a proposal that will pass the House and the Senate and be sent to the President so he has the ability to exercise the line-item veto on appropriate provisions in the 13 appropriations bill that we are now passing. It can and should be done. Let us have a conference report before the House and the Senate by the end of this month so this President can exercise the line-item veto that the majority party has said for so long that they want to give to the President.

Mr. President, I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I thank the Chair, and I especially thank my colleague and friend from Iowa, Mr. HARKIN, who has taken the lead on this. I am delighted to participate with him, along with the Senator from North Dakota, Mr. DORGAN, and the Senator from New Jersey, Mr. BRADLEY, in expressing the sense of the Senate that the conferees on S. 4, the line-item veto bill, should, by September 26, expeditiously resolve the differences of the two Houses in time to consider the conference report on S. 4 prior to the President needing to sign the fiscal year 1996 appropriations bills and also this year's reconciliation bill.

If the conferees do not complete action on the conference report in time to allow Congress to consider the report, prior to the President signing of the fiscal year 1996 appropriations bills and this year's reconciliation bill, as the Senator from Iowa pointed out, this amendment further expresses the sense of the Senate that the line-item veto conference report should, to the extent possible, contain provisions making the bill applicable to the fiscal year 1996 appropriations bills and the 1995 reconciliation bill. Simply stated it would give this President, President Clinton, the opportunity to clean out some of the pork in the bills that we may pass in next few weeks this year instead of having to wait until next year.

Mr. President, the Senate passed S. 4, the Line-Item Veto Act of 1995 on March 23, many months ago. A few weeks earlier, in early February, the other body had passed their own version of this important legislation. And this was trumpeted quite loudly throughout the country as one of the leading items in the so-called Contract With America. For something other than an emergency appropriations bill, that was very rapid consideration, and I would say in this case rightly so.

The line-item veto proposal, in one form or another, in my view, could be a useful tool to help reduce the Federal deficit and balance the Federal budget and more importantly to bring reform to the whole budget process. Indeed the line-item veto was part of the so-called Contract With America agenda and initially being given this kind of expedited treatment.

But, Mr. President, the expedited treatment of the line-item veto ended some time ago. The line-item veto bill began to slow and eventually it stalled and it remains stalled. The other body did not ask for a conference committee until mid-May, and it was a month before the Senate appointed conferees. Until last week the other body had still to appoint its own conferees.

Now, Mr. President, some have suggested that the failure of the other body to appoint conferees in a timely manner and the general slowing down of the measure was partisan in nature, the delay was a deliberate effort by leadership to deny President Clinton an effective budget tool during this very crucial period of time when we have to consider appropriations bills

and reconciliation and the overriding need to balance the budget as soon as possible.

I hope this is not the case. Certainly in this body it has to be said that one of the leading proponents of the line-item veto has been the senior Senator from Arizona [Mr. MCCAIN], a Republican. Now, I know he supports moving rapidly on this question and to give this President this new authority in time to address this year's budget measures.

It has been my privilege to work with Senator MCCAIN on a number of reform measures including a number that target these very budget practices that tend to load up our bills with pork and they cannot be eliminated because of the lack of a line-item veto. I was especially pleased that an amendment we offered to the line-item veto bill relating to emergency appropriations was also included in the Senate version of the measure. So this also is dependent on moving quickly on the line-item veto issue.

Senator MCCAIN is committed to budget reform. And I believe many of his Republican colleagues in this body share that commitment. I believe that they are ready and willing to provide President Clinton with the line-item veto authority in time to exercise it during this budget cycle.

However, Mr. President, as I noted, it was not until last week that the other body finally appointed conferees that allowed Congress the opportunity to come to an agreement on this important issue and give this President, President Clinton, the flexibility that he needs to shape this Federal budget. With the fiscal year almost at an end, and work on various appropriations bills and reconciliation measures scheduled to be completed in the next few weeks, this delay in hammering out a line-item veto measure may well jeopardize our ability to provide President Clinton with this very important additional authority.

This amendment we are offering today speaks to this very issue by expressing the sense of the Senate that if a new line-item veto authority is created, that this President be able to act on that authority on this year's appropriations measures and this year's reconciliation bill.

This amendment allows Members to go on record to refute those who would suggest that the line-item delay is partisan. And in doing so, it also expresses clear support to allow the President to begin to exercise the kind of specific budget pruning that many of us feel is a necessary response to the budget abuses that do persist in this year's appropriations bills. Pork did not end in this place on November 8. I have a suspicion it increased over the 103d Congress.

Just last month, my friend and colleague, Senator MCCAIN, who has helped form a number of colleagues into a group of pork busters, took to the floor and specifically identified a number of problems with the fiscal year 1996 defense appropriations bill. He mentioned an appropriation of $20 million to fund an unauthorized transfer of federally owned educational facilities on military installations to local education agencies.

He mentioned a transfer that was not even reviewed by the Armed Services Committee. He mentioned a $1 million earmark for the marine and environmental research and training station, also unauthorized, and he mentioned that this was contrary to the wishes of the Navy.

Senator MCCAIN also mentioned the granting of authority for the Coast Guard to draw $300 million from the defense business operations fund, a new authority that I am informed was not considered by the Armed Services Committee.

So, Mr. President, there are many examples, but these are good examples of the kinds of provisions that could and should be eliminated with the appropriate application of the line-item veto, and there are equally good candidates for line-item veto review by the President in other appropriations bills as well.

I do not think any fairminded person would suggest that this year's crop of appropriations bills is sufficiently pure of budgetary mischief that the line-item veto authority should be postponed until next year. There is plenty that needs to be taken out now.

That should be reason enough to act on a line-item veto in a timely manner, but I also believe there is another, possibly more important reason for acting quickly, and it goes to the heart of the original line-item veto debate.

Mr. President, I supported the line-item veto measure as it passed this body, and hope to support a conference committee agreement as well, but the question is a very close one for me.

I have deep concerns about the potential abuse of an overly expansive line-item veto authority.

In Wisconsin, we have seen the abuse of an overly broad veto authority by a number of Governors, and it is safe to say that no one anticipated the extent of those abuses when the line-item veto authority was first contemplated.

The current Governor, Governor Thompson, has used the veto authority not only to rewrite entire laws, but to increase spending and increase taxes.

In the hands of a President, that kind of abusive authority would not only defeat the intent of those who have advocated expanded veto authority, it could well upset the checks and balances so carefully designed by the Framers of the Constitution.

That is the potential peril of the line-item veto, and I believe it is shared by many of my colleagues who supported S. 4 as it passed the Senate.

If the cynics are right, and the line-item veto measure is being deliberately stalled to gain partisan advantage by denying a Democratic President the opportunity to use this new tool, then there may be real cause for concern about what the end product of the conference committee will be.

Partisan political advantage is an irresponsible and reckless basis on which to establish this additional authority for the President.

A new line-item veto authority crafted on such a foundation may well be susceptible to being overly broad, and one that is subject to Presidential abuse when the authority is finally granted.

Instead of fashioning a useful tool to help shape a better, leaner budget, a line-item veto authority that is driven by partisan considerations could dramatically shift the balance of power between the legislative and executive branches that was so carefully crafted by the Framers of the Constitution.

Mr. President, I very much view our amendment as an insurance policy against just such a disaster.

If the Republican-controlled conference committee knows that a President of the opposing party is to have this new expanded authority, they will be less likely to structure a line-item veto that would allow the kind of abuse we have seen in Wisconsin.

And the taxpayers are doubly winners.

First, because a modest line-item veto authority will be exercised all the sooner.

And second, because future Presidents of either party will not become backdoor emperors that can dictate to Congress.

Mr. President, I urge my colleagues to support this amendment, to demonstrate to cynics that at least this body is sincere in its support of a line-item veto, and to ensure that this year's budget gets the kind of thorough review to which taxpayers are entitled.

I will conclude by saying that I see that the Senator from North Dakota, who has been a great leader on this issue, is here. I defer to him at this point, given the limited time that is available.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, this vote is currently scheduled for quarter to 1. I ask unanimous consent that the vote occur at 10 minutes to 1 and that—how much time does the Senator from West Virginia desire?

Mr. BYRD. I would like to have about 5 days on it, but since you only have 5 minutes, that will be fine.

Mr. MCCONNELL. The Senator from West Virginia will have the last 5 minutes before the vote, at which point I be recognized to make a motion to table.

Mr. HARKIN. Reserving the right to object, since we have about 20 minutes left for debate, I wonder if we can at least equally divide whatever time is remaining.

Mr. MCCONNELL. I think that will be fine, divide the remaining time until 10 minutes to 1 evenly.

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

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, may I inquire of the Senator from Iowa if I might speak for 5 minutes?

Mr. HARKIN. How much time do we have, Mr. President?

The PRESIDING OFFICER. There are 20 minutes remaining, and each side has 10 minutes.

Mr. HARKIN. I yield 5 minutes to the Senator.

Mr. DORGAN. Mr. President, it is very rare these days that I disagree with my friend, the distinguished Senator from West Virginia, Senator BYRD. I have watched him on the floor, and he almost always comes to the floor right on the bull's eye of an issue.

In this case, however, we have a disagreement. He will no doubt speak eloquently, as he does, in his opposition to the line-item veto, but I reached a different conclusion on this issue.

I voted for and supported a line-item veto when President Reagan was President, believing as a Democrat that this President, President Reagan, ought to have a line-item veto. I felt the same way and voted the same way when President Bush was President, and I feel the same way now that President Clinton is President.

The Senator from Iowa says, "Let's get moving." We passed a line-item veto bill, the Senate passed a line-item veto bill, it is in the Contract With America, and yet it has been stalled. Why? I assume it has been stalled because some folks want to talk about it more than they want to do it. They prefer that a line-item veto be given to a Republican President but not a Democratic President.

Let me describe to you why I think a line-item veto might be appropriate for the interest of the taxpayers in this country. We recently had a Defense bill on the floor of the Senate, both an authorization bill and an appropriations bill. If you take a look at the Defense bill, No. 1, it spent $7 billion more than the Department said they wanted to defend this country. In other words, the Defense Department said, "Here are our needs for defense purposes," and then the Senate added $7 billion more.

They decided that we should buy trucks that the Defense Department says we do not need; we should buy submarines the Defense Department says we do not want; we should buy jet fighter planes that the Defense Department did not ask for.

And the hood ornament, in my judgment, on all of the pork that exists in these bills, especially that bill, was in the Defense authorization bill. Someone wrote in, with no hearings and no discussion, that we should buy blimps, $60 million to buy blimps in the Defense authorization bill. It apparently is the *Hindenburg* strategy of defense. It demonstrates that hot air exists all over this town, even in the bowels of the Defense authorization bill to spend $60 million without a hearing and without thoughtful discussion to buy blimps.

I speak only as one, but I guess I would like to see when the Defense authorization committee or Appropriations Committee says, "Let's buy trucks" that we do not need, that somebody might be able to say, "Well, I'm going to veto that line. There is no sense buying trucks we don't need for the military."

Or when somebody says, "let's buy blimps," without a hearing on why we need blimps to defend America, maybe someone can get out a veto pen and say, "I'm sorry, in the interest of the American taxpayer, that is something we ought not do." That is why a line-item veto makes sense; you can go into those bills and do it.

In the recent defense bill, they resurrect star wars. They have $300 million to build a new star wars project with an accelerated deployment in 1999. The President says, "That does not make any sense. In my judgment, it is an awful waste of the taxpayers' money." If the President had the line-item veto, the President could go into that appropriations bill and just veto the line for star wars, veto the line that says, "Let's spend $300 million we don't have to build something we don't need."

I would like the President to have that veto power. Why does he not have it? Because we have a lot of folks who are stalling and foot dragging. They talk about the line-item veto, but they really do not believe in it. Had they believed in it, they would have brought that back from conference.

Mr. President, do you know something? They have not even been to conference—have not even been to conference. Month after month after month they roar and bellow around here having press conferences and all kinds of charades on the steps of the Capitol talking about what they stand for, what they fight for. The fact is, what they fight for is evident on the floor of the Senate and the House. They do not fight so hard for the line-item veto. Apparently, they are willing to pass it and talk about it, but they are not ever willing to go to conference.

The Senator from Iowa is saying, let us get this thing to conference, get it back and get it done. If you believe in it, as you say you do, join us, let us finish the job. Let us give this President the opportunity with the line-item veto to write a line through some blimps, strike a line through some star wars, get rid of some trucks, yes, even get rid of a few submarines that this country does not need and is now going to apparently ask the taxpayers to pay for it.

That is why we should have the line-item veto. I hope we adopt the amendment Senator HARKIN offers. I intend to support it.

Mr. President, I yield back the remainder of my time.

Mr. MCCONNELL. How much time do I have, Mr. President?

The PRESIDING OFFICER. Ten minutes.

Mr. MCCONNELL. I yield 8 minutes to the distinguished Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Kentucky [Mr. MCCONNELL].

Mr. President, I was not informed that there was about to be a time limitation on this amendment. I just happened to be eating one of those "coal miner's steaks," one of those bologna sandwiches, downstairs in my office when I heard the booming voice of my friend from Iowa, Mr. HARKIN, coming across the TV screen advocating this piece of foolishness.

I was somewhat surprised that nobody had called me to see if I had any objections to limiting the time on this amendment. I think everybody in the Senate, including all the staff, knows that I do not enter into time agreements on line-item veto amendments or constitutional amendments to balance the budget.

Nevertheless, "the moving finger writes; and, having writ, moves on," so we are limited as to our time.

I hope that the Senate will table this silly amendment and do so with an overwhelming vote. Number one, the Senate should not be trying to tell the other body what it should do. Under the Senate rules, Senators on this floor are not supposed to criticize any Member of the other body or criticize the other body concerning its work. Certainly, we are not supposed to attempt to instruct, in any way, the other body as to how it should act.

Now, we are going to get ourselves into a situation where, in the House, they will be making speeches critical of the Senate or adopting measures that seek to instruct Senate conferees, as this amendment would instruct House conferees. I think we ought to be very careful about floor action or debate that can disturb the comity between the two Houses.

It works two ways. This rule is a good rule.

Secondly, Mr. President, this is truly a political maneuver. I want, as much

as anybody, to oppose many of the efforts being made by Senators on both sides of the aisle, and Members on both sides of the Capitol, to cut or emasculate vital programs. Some programs need to be cut. Some funding programs need to be reduced. Some, perhaps, need to be eliminated. But I think that we are going too far in some of the things that are being advocated by the party that is now in control of both Houses.

I expect to see the President use his veto on occasions when merit would require it. I will be among the foremost in defending some of the programs that stand to be cut or in opposing misguided policies. As ranking member on the Senate Appropriations Committee, I am confronted with such problems every day. So I am not at all happy with some of the actions that are taking place around here.

But this amendment is a political move. I do not think it is a very worthy one. It is never worthy to play politics with the Constitution of the United States. I will say it this way. I have great respect for the Senators who are advocating this approach. Their intentions are good. But I must say that I am a little surprised at some of those who are advocating it. I am under the impression that some of the supporters of this amendment have been against the line-item veto in the past. Yet, now they, apparently, are advocating that this President be given the line-item veto.

I do not advocate that any President be given the line-item veto. I was against it when Mr. Reagan was President. I was against it when Mr. Bush was President. I am against it now that Mr. Clinton is President. I do not think it is appropriate for us on the Democratic side to be against a line-item veto when there is a Republican President in the White House and then to be for it when we have a Democrat in the White House. It tinkers with the Constitution and flies in the face of the separation of powers, and checks and balances, which constitute the very pillar of our republican system of Government. I think it is a mistake for us on the Democratic side to advocate giving this President, President Clinton, a line-item veto.

In the final paragraph, the amendment advocates or proposes that the conference report on S. 4 contain language making the provisions of S. 4 applicable to the fiscal year 1996 appropriations bills and the 1995 reconciliation bill—in other words, making it retroactive. I think that is a mistake, Mr. President. I am sorry that I have to come to the floor at this time and make these few comments. But I feel so deeply about the line-item veto. I think it is a surrender of the authorities and powers of the legislative branch to the executive branch.

I think Members will rue the day if the line-item veto ever becomes part of the Constitution or part of the law of this land. Frankly, I do not think the line-item veto can be given to the President by legislation. I think that it would require a constitutional amendment to give the President a line-item veto. We cannot change the Constitution of the United States by legislation—resolution or otherwise. Now, this is just a sense-of-the-Senate amendment and, therefore, it will not have much impact anyhow. However, it is the wrong direction in which to move.

Mr. President, Nero, the Roman Emperor who reigned from 54 to 68 A.D., was condemned by the Senate. When he heard that the Senate had passed a decree condemning him, he fled. He was in the company of one of his servants and two or three friends, and they fled to a country house, where he sought to remain hidden from the Senate. When he heard the sound of horses' feet approaching—bearing the Senate-appointed enforcers of the execution decree—he tried to get one of those persons who were with him to die first so as to show him—Nero—how to die, and thus give him the courage to die. But he had no takers. So when the horses' hooves sounded louder and louder and were almost upon him, he put a dagger to his throat and said, "I die shamefully."

Mr. President, the day that the Congress hands to the President the line-item veto, the Congress will put a dagger to its own throat and it will "die shamefully."

I hope that the manager of the bill will move to table this iniquitous amendment and that it will be tabled overwhelmingly.

Mr. McCONNELL. Mr. President, I will soon move to table the Harkin amendment and ask for the yeas and nays.

The PRESIDING OFFICER. The motion is not in order until the Senator has utilized his time.

The Senator from Iowa.

Mr. HARKIN. I thank the Chair. I understand the opposition of the Senator from West Virginia, which has been long, constant, consistent, and eloquent. I understand that.

However, I point out that some of the words he used, like "foolish" and "silly" and all that—I simply point out, Mr. President, that on August 1 of this year, the Senate passed a similar resolution, stating 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 on this important legislation.

That resolution passed 83 to 14 in this body.

Mr. BYRD. Will the Senator state whether or not it had my vote?

Mr. HARKIN. Of course, it did not have the vote of the Senator from West Virginia. I wanted to point out that it was a sense-of-the-Senate resolution. It dealt with the Speaker of the House. We have done this before many times. It passed 83 to 14. I also point out to the Senator from West Virginia that there was a 30-minute time limit, also, on that resolution on August 1. So we operated under a 30-minute time limit at that time.

Mr. President, again, this is similar to the Dorgan resolution of August 1. It passed 83 to 14.

All we are saying in this resolution is, wait a minute, it is time for the conferees to meet.

Now, I have been informed that there is maybe tentatively possibly a meeting on September 27, not that it has been published or anything like that. I hope that takes place.

I hope we pass this overwhelmingly so that the conferees will get these instructions to meet and to report the bill expeditiously back to the Senate and the House so that the Senate and House can work its will and send this on to the President.

Again as I said, Mr. President, I may also have misgivings about line-item vetoes, but I think the time has come because of the great deficits we are operating under that we need to give this President the line-item veto.

I could not agree more with the Senator from North Dakota when he said it just looks as though the majority party is trying to hold this up so that the President cannot line-item veto some of the pork, some of the profligate spending, some of the wasteful spending, that is in these appropriations bills. The time to give the President that power is now.

This resolution is very similar in tone and in verbiage to the resolution that passed here on August 1 by 83–14. We should not back down. We should continue the effort. We should demand that the conferees meet. We should get this bill before us and give the President the line-item veto that he needs to cut some of the wasteful spending out of this bill.

Mr. FEINGOLD. How much time is remaining?

The PRESIDING OFFICER. Thirty seconds.

Mr. HARKIN. I yield 30 seconds to the Senator from Wisconsin.

Mr. FEINGOLD. I thank the Senator from Iowa. I have a lot of misgivings about any notion of a constitutional amendment for a line-item veto and would oppose it.

However, what passed the Senate was a 5-year sunsetted line-item veto. I think, obviously, we are going to have an experiment with a line-item veto. That is going to be the result of this Congress.

The purpose of this amendment is not to say that the line-item veto is automatically a good idea. But it says since we are going to have this experiment anyway, since that is going to be

an outcome of the 104th Congress, get on with it, and let this President have that opportunity.

Mr. MCCONNELL. Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment No. 2725 offered by the Senator from Iowa [Mr. HARKIN].

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

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

The result was announced—yeas 76, nays 24, as follows:

[Rollcall Vote No. 455 Leg.]

YEAS—76

Abraham	Glenn	Moynihan
Akaka	Gorton	Murkowski
Ashcroft	Gramm	Murray
Bennett	Grams	Nickles
Bond	Grassley	Nunn
Boxer	Gregg	Packwood
Brown	Hatch	Pell
Bryan	Hatfield	Pressler
Bumpers	Heflin	Pryor
Burns	Helms	Reid
Byrd	Hutchison	Rockefeller
Campbell	Inhofe	Roth
Chafee	Inouye	Santorum
Coats	Jeffords	Sarbanes
Cochran	Johnston	Shelby
Cohen	Kassebaum	Simpson
Conrad	Kempthorne	Smith
Coverdell	Kyl	Snowe
Craig	Levin	Specter
D'Amato	Lott	Stevens
DeWine	Lugar	Thomas
Dodd	Mack	Thompson
Dole	McCain	Thurmond
Domenici	McConnell	Warner
Faircloth	Mikulski	
Frist	Moseley-Braun	

NAYS—24

Baucus	Feingold	Kerry
Biden	Feinstein	Kohl
Bingaman	Ford	Lautenberg
Bradley	Graham	Leahy
Breaux	Harkin	Lieberman
Daschle	Hollings	Robb
Dorgan	Kennedy	Simon
Exon	Kerrey	Wellstone

So the motion to lay on the table the amendment (No. 2725) was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, first let me make a general statement.

As Members on both sides know, we are trying to work together so we can finish all the appropriations bills by next Saturday on the 30th. I do not think there will be a Saturday session this week because, frankly, some of the Members who would have to manage the bills are not here. We have not had much success in working out that Saturday session. So I would hope that we can keep the Medicare amendments and line-item veto amendments, and others, off the bill. But if they have to be offered, do not come around next week to me and say, "Why can't we go home?" So I will just leave it up to whatever. We probably will not go home in any event because maybe it does not make any difference.

AMENDMENT NO. 2707

Mr. DOLE. Mr. President, I want to make a few comments about the Dole-Helms amendment offered yesterday. Our amendment will save money, make government more efficient, and better protect American interests overseas. The Foreign Affairs Reinvention Act of 1995 streamlines and consolidates U.S. Foreign Affairs agencies. Our amendment builds on the hard work by Senator HELMS and his staff in their months of effort to reduce bureaucracy, and reinvent the international agencies for the U.S. Government.

In July, the Senate considered S. 908, the Foreign Relations Revitalization Act of 1995. At administration prodding, Democrats filibustered the bill. The Senate fell five votes short of invoking cloture on two successive votes on August 1. Because of the lack of Democratic willingness to allow consideration of reorganization legislation, I was forced to return S. 908 to the Senate Calendar.

During debate on S. 908, Democrats conceded the need for reorganization. Senator LIEBERMAN, for example, said:

> Senator Helms and his committee, I say, have acted on sound impulse, which is that we do need to do a searching reappraisal of the way we conduct our foreign policy in the post-cold-war era. The committee has produced a coherent new architecture for our Foreign Affairs agencies.

Democrats supported reorganization, but they expressed concern over Congress mandating the details of reorganization. Give the President flexibility they said. Senator KERRY of Massachusetts, for example, said:

> All we are suggesting is give the President a mandate from the Congress to make the cuts, but allow the President to determine exactly how they are going to be made.

Mr. President, that is exactly what the Dole-Helms amendment does.

The amendment requires the President to submit a plan in 6 months with the following guidelines:

Achieve cost savings of $3 billion over 4 years; Abolish at least two of three major Foreign Affairs agencies; and Specify how the consolidation of all personnel and functions will occur.

The plan is enacted automatically within 60 calendar days unless Congress passes a resolution of disapproval. If the President does not submit a plan which meets these guidelines, the three agencies are abolished. Finally, transition funds are authorized to allow an orderly transfer.

So the Helms amendment—it is primarily Senator HELMS' amendment; I am very honored to be a cosponsor—streamlines bloated bureaucracies and eliminates duplication. It increases the control of the Secretary of State over the conduct of American foreign policy. That is why five former Secretaries of State from Henry Kissinger to Jim Baker endorsed Senator HELMS' original effort. The Dole-Helms amendment also meets the stated concerns of Senate Democrats about Presidential flexibility in reorganizing Foreign affairs agencies.

The scaremongers in the administration claim reorganization is a ploy by isolationists—some kind of veiled effort to help America withdraw from the world. Nothing could be further from the truth. Our plan is a way to better support American engagement in the world. Five Secretaries of State are not isolationists and would not endorse a plan that diminished America's ability to protect its global interests. After sitting on the budget sidelines all year—we have had all this talk about line-item vetoes since March; we have had this all year long—the administration now says funding cuts will imperil American diplomacy. Yet the best way to avoid deep cuts in programs is to save money by reducing duplication and by streamlining bureaucracy. I do not want to complicate action on Senator MCCONNELL's legislation. Much of this plan is consistent with legislation proposed by Senator MCCONNELL earlier this year.

We have tried to reach agreement with other Senators, and I believe the Senate should know what offer has been made and rejected. Senator KERRY yesterday suggested he would support an agreement along the following lines: Pull the amendment from this bill; bring up freestanding legislation which requires the President to submit a plan abolishing only one agency—only one agency; vote after 4 hours of debate; release all 15 State Department nominees currently on the Executive Calendar; resume the normal business of the Foreign Relations Committee on nominations and treaties.

Mr. President, that is a very fair deal. No one guarantees the outcome of the vote or the outcome of the conference or the eventual fate of any conference report. Nominees would be confirmed immediately, like today, or whenever we had the vote, and more would be reported to the Senate. Unfortunately, after Chairman HELMS indicated his willingness to accept the terms proposed by Senator KERRY, the White House said no. One State Department official said, "There's nothing in that deal for us."

I must say we also made inquiries, I made inquiries to the White House, saying this seems to be a reasonable proposal to me to have all these Ambassadors confirmed, talking about eliminating one agency. I thought it was a rather reasonable effort. We

would do it freestanding. It would have to go through the House. The President could veto it if he wished. There are all kinds of options the President has.

So it would seem to me that the partisanship out of the White House and State Department does not serve our country well and only jeopardizes important issues from Ambassadors to China, Indonesia, Panama, and other critical countries to ratification of the START II treaty.

I do not know if President Clinton knows what his advisers turned down because he has not been in town much the last few weeks, but I do know that 15 nominees and their families know what has happened. They ought to know what has happened and they ought to know who turned it down.

I do not know why the Clinton administration would want to keep gridlock going on foreign affairs. I do not know why they are now afraid of the reorganization proposed by Secretary Christopher earlier this year. I hope they quit saying "no, no, no" and begin to engage honestly in the legislative process. If they have a counteroffer, let us hear it.

So it would seem to me, if the President had this information, he would be saying, "Take the Kerry proposal." Let us set it aside, take it off this bill, and have 4 hours of debate. I hope the President would weigh in; if not, the Vice President, or, if not, somebody in the administration. I think we have made a lot of agreements around here, and I certainly think this is a very reasonable effort—one agency, freestanding bill, 4 hours of debate. It has to go to the House. The President can veto it. The nominees are confirmed immediately. The other nominations pending in the Senate go back through the orderly business and come back to the floor.

So I would hope there could be some disposition because I know the Senator from North Carolina shares the view of the Senator from Kentucky. We want to get this bill finished. We want to finish the bill this evening. Then we want to take up the District of Columbia appropriations, maybe follow that with State-Justice—if not, VA/HUD. And there is one other one floating around out there somewhere, but it is a major one.

So I would just hope that we could resolve this issue. I know the manager wants to move very quickly. There are other relevant amendments. But I must say—and this is a relevant amendment—if we are going to continue to have a lot of amendments that have nothing to do with this bill, then I do not know what the managers have in mind. But hopefully we can complete action by early this evening.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, I wanted to just take a moment to offer my congratulations to Senator MCCONNELL and Senator LEAHY and the Appropriations Committee for presenting the Senate with a useful and constructive foreign operations bill. Unlike most or many of the foreign and defense-related bills that have come to the Senate floor in this budget cycle, this bill tries to be forward looking and positions America to continue to play an important role in the world.

The committee, under the leadership of Chairman MCCONNELL and the ranking member, Senator LEAHY, was able to work within a tight budget constraint and still find extra funding for the truly essential programs for America in this post-cold-war world.

Particularly, I would like to point to the former Soviet Union and Eastern Europe where the committee increased funding from the House levels by $125 million for the NIS assistance and $11 million for Eastern Europe and the Baltic States. Now, of course, it is up to the administration to use this money on good programs that help the people of the NIS, Eastern Europe, and the Baltics, and not use this money for American consultants.

The committee also managed to squeeze out an extra $37 million to combat drug trafficking.

Mr. President, I note the committee's action on international financial institutions. Every $1 of U.S. assistance to these institutions results in $20 of donor support for developing countries. So I was very pleased to see the committee find almost $200 million over the House level.

These are just a few examples of the way Senator MCCONNELL and Senator LEAHY and their committee staffs and their committee were able to do more with less. In light of the overall reduction in foreign assistance resources, the committee decided to provide the administration with a great deal of flexibility and reduced the number of earmarks. As a strong supporter of the international children's vaccine program, basic education programs and primary health care programs for children in developing countries, I would urge the administration to use this flexibility the committee provided to adequately fund these programs.

Again, Mr. President, I would like to offer my congratulations on a job well done to Chairman MCCONNELL and his ranking member, Senator LEAHY.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, the distinguished majority leader said he would be back in a moment. I know Senator HELMS was here a minute ago.

I would like to make sure the RECORD accurately reflects where we have traveled with respect to possible agreements or nonagreements. I thought that Senator DOLE made a very fair summary of most of the journey that the discussions have traveled. But I think there is one incorrect judgment made, and that is whether or not I had at any time signed off on what was a negotiation in progress, and in fact as part of the negotiation we had proposed that the START treaty be permitted to come to the floor of the Senate, and that was not mentioned as a component, or one of the ingredients that we were waiting to hear back on. And so we never had reached any kind of final agreement.

It is true that I did say that reducing it to the one Agency abolition would suit me because that was in keeping with an amendment that I had proposed in the committee itself. But with respect to our ability to move forward here and now, there were other elements under discussion at that time, and I think appropriately. For instance, the unanimous-consent request of the Senator from North Carolina suggested 4 hours on the bill itself as a freestanding bill, but it allowed no amendments. And we had a number of Members on our side who were obviously, as I think anybody would be here, concerned about this thing being presented fait accompli without the ability to be able to amend it.

So that was also under discussion at the time, and we never had any cloture with respect to this. In fact, I have never had any sort of final conversation with either Senator HELMS or his staff. Now, it is also true, however, that the administration did signal back directly to Senator DOLE as well as to Senator HELMS that some form of whatever was under discussion was not acceptable, and that I am aware of, and that message was indeed conveyed.

Mr. DODD. Will my colleague yield for a point?

Mr. KERRY. I am happy to yield.

Mr. DODD. Mr. President, I appreciate the points my friend and colleague from Massachusetts is making.

I just wanted to ask my colleague from Massachusetts as well if he would not agree with me, having listened to the majority leader, with all due respect, talk about the families of these nominees who are now being held up because we do not agree to this formulation he has presented, that it was in fact the very holds that were put on those nominations—this is almost October—back in July. If we are going to express sympathy for these families of the nominees, let us not try to blame the Clinton administration or Democrats here who have a legitimate substantive disagreement over an important substantive point where all these nominations are being held up because we do not agree with it. The very holds were placed by the majority on those nominees, and if the families want to be upset, they ought to be asking the people who put the holds on those nominations, not blaming Democrats

or the administration for their unwillingness to agree to something that substantively has some profound implications. Does my colleague not agree?

Mr. KERRY. I do agree. I think the Senator is absolutely correct, that the business of the committee has obviously been wrapped up almost entirely in the effort to try to ram this through.

And one of the things that concerned a great many of us—I think the distinguished chairman knows this because I expressed it to him personally and in private conversations—was the sense that there was not really a bipartisan effort to try to mold the bill. It was a bill created, and that at a subsequent point we only entered into last-minute negotiations before the markup. And I said that to the Senator at the time.

Now, I would like to say to the chairman, I would like to see if we could find some measure of agreement here. I am prepared to move forward on the one-agency abolition that I talked about previously. I am not backing down on that.

But the other components of my amendment had a different sum of money in them. Now, the Senator is looking for $3 billion. And my amendment, which he keeps suggesting that he is embracing, had a $2 billion savings. And there is a very strong reason for that. I mean, in the last decade the appropriations for function 150 have declined by $15.6 billion constant. They have gone from $36.8 to $21.2 billion in 1995. And under the budget resolution, the discretionary function, 150 plummets from $17.1 billion in budget authority down to $15.1 billion in 1999 and $14.7 billion by the year 2002. So we have gone from $36.8 billion down to $14.7 billion by the year 2002.

There is nobody examining the various functions that are effected who cannot suggest that this is not going to have just, you know, a gargantuan impact in the capacity of this country to affect its foreign policy around the world.

Now, I am prepared—certainly speaking just for myself, this Senator—if we could—in fact, yesterday in the last discussion that we had we suggested that there was some problems with the numbers. And we wanted to try to come closer to the House structure on numbers.

Now, I believe that if we were to embrace the House structure on numbers, we could conceivably proceed forward. But there did not even seem to be a response to that. So we had no sense of whether or not that might be possible.

Mr. McCONNELL. Will the Senator from Massachusetts yield?

Mr. KERRY. I will be happy to yield.

Mr. McCONNELL. Does the Senator from Massachusetts support the underlying bill?

Mr. KERRY. Apart from this?

Mr. McCONNELL. Yes. Would you like to see it become law?

Mr. KERRY. I think the rest of the bill is, generally speaking, acceptable.

Mr. McCONNELL. One of the concerns I have is the Vice President indicated to me yesterday in conversation that the President is going to veto this bill if the Helms amendment on reorganization is in this bill.

Now, I personally support, in concept, what the Senator from North Carolina is trying to do.

What I am mystified by is why it is not possible, on the assumption that my friend from Massachusetts and other Democrats support this bill, why it is not possible to reach an agreement that would take this issue off of this bill and have it dealt with free standing. It seems to me it serves everybody's interest, the Senator from North Carolina, the Senator from Massachusetts. Certainly it serves my interest, because I would like to see this bill become law.

I am mystified as to why we are not able to work out an agreement, particularly since the Senator from North Carolina generally offered to allow—how many nominees?

Mr. HELMS. All of them.

Mr. McCONNELL. All of them, whatever nominees may be currently pending in the Foreign Relations Committee to go forward. I am stunned that we cannot reach an agreement here because it seems to me the agreement that has been suggested serves everyone's interest.

Mr. KERRY. Well, I know that the Senator from Kentucky is not easily stunned. So I understand that this must be one of those major legislative brouhahas. But I am not sure that it really is. I do not think it is that stupefying. At this moment in the legislative process, a consolidation in a format that the administration does not accept at a level of reduction that the administration does not accept is not going anywhere.

Mr. McCONNELL. Right.

Mr. KERRY. But if, merely because the chairman holds up all the nominations, and then attaches himself to a bill that his colleagues on his side of the aisle want very badly, all of a sudden we on this side of the aisle are supposed to give up our legislative prerogative and reward the holding of hostage of all of these ambassadors with the creation of a legislative agenda that is totally contrary to the administration's interests, I do not find it very puzzling why people would oppose that.

Mr. McCONNELL. Would the Senator yield?

Mr. KERRY. Yes.

Mr. McCONNELL. You would not be giving up a thing. Presumably, as a freestanding measure, the President would veto it and it would not become law. You would not have lost a thing. All you would have allowed is the underlying bill to become law.

Mr. KERRY. That is not, in fact, accurate, because I think, as the Senator well knows, there is a world of difference whether or not colleagues are asked to vote on a motion to table and whether or not they have to vote to sustain a veto of the President, No. 1. That is just No. 1.

No. 2, it seems to me that there is also a world of difference as to whether or not we should give up our legislative prerogatives, which at this point are shared by many that is sort of a one-sided, rather heavy-handed effort to drive home simply one point of view.

I mean, usually—let me give you an example. Last year we jointly worked on this. We sat down and worked on every aspect of the authorization bill together. It came to the floor. And I think we passed one of the first authorizations in a record amount of time.

This year, under a new regime, none of those sorts of preliminary discussions ever took place. We wound up with every single Democratic member of the committee voting against this bill even coming to the floor. So here we are with a not even marginally bipartisan effort now being presented to us in a way that requires us to give it freestanding life that it does not have on its own.

Now, if the Senator from North Carolina, which I am very happy to do—I am prepared to vote for some consolidation requirements. I am prepared to vote for a one-agency abolition requirement. But the Senator seems completely unwilling even to embrace the notion that we would move closer to the structure of the House on numbers or we could agree to have the START treaty come to the floor.

Mr. HELMS. Mr. President, I object to the thrust of the Senator's comments.

Mr. KERRY. Mr. President——

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. KERRY. I have always been willing to yield, by an appropriate request, to a colleague.

I would be happy to yield.

Mr. HELMS. No. I thank the Senator for his generosity, but I want the floor in my own right before I begin to discuss what the real facts are.

When the Senator is ready to yield the floor, I want the floor.

Mr. KERRY. Well, let me ask the Senator from North Carolina, if I may. I would ask the Senator, is it not a fair representation on my part that the committee amendment that I proposed—that the Senator from Massachusetts proposed, embraced the notion of the $2 billion reduction as well as a one-agency abolition?

Mr. HELMS. That is correct. That part of it is correct, yes.

Mr. KERRY. So it is correct then that the Senator is appropriately representing that there has always been a difference in the amount of money that we have been willing to embrace as appropriate for a mandated reduction.

Mr. HELMS. But the amount in question depends on which of the conversations the Senator is referring to.

Mr. KERRY. Well, let me ask the Senator——

Mr. HELMS. With all due respect, Senator, you have been all over the map with what you have been saying.

Mr. KERRY. I am happy to have it right out in the open. I want it to be very clear to everybody, then there cannot be any question about any conversation.

Is it not also fair to say that I mentioned yesterday that we were more interested in the House numbers than in the ones that the Senator from North Carolina was proposing?

Mr. HELMS. Well, I understand that you said that to my able assistant here. You did not say it to me.

Mr. KERRY. I did not say to the Senator when we were standing by the cloak room door that I was interested in some numbers, and that the Senator then left the conversation and left us to discuss it as he went into the cloakroom?

Mr. HELMS. Mr. President, perhaps the Senator will yield some time for me to discuss the very point he is making?

Mr. KERRY. Well, I will in one moment. I do not want to keep the floor.

Mr. HELMS. I need only 30 seconds.

Mr. KERRY. I would be happy to.

Mr. HELMS. Now, we checked on that very point, with everybody associated with me, on the issue of numbers. House versus Senate, it was an issue raised by the Senator from Massachusetts very late in the day after I had acceded to your first suggestion. Yes, but very late in the conversation and day. The Senator kept stipulating additional things, but the Senator did not discuss the issue of numbers with the Senator from North Carolina.

Mr. KERRY. Let me say to my friend, because I think these kinds of dealings are very important and I do not want the Senator from North Carolina to feel somehow this was a moving target. The Senator from Massachusetts recalls having——

Mr. HELMS. That is precisely what it is, a moving target.

Mr. KERRY. Beg your pardon?

Mr. HELMS. The Senator has been a moving target from the very beginning.

Mr. KERRY. Let me say to my friend from North Carolina, there was a conversation over here with Senator LEAHY, and we subsequently engaged in a conversation. I do not think I had any late-in-the-day conversations at all yesterday. The entire discussion was in the morning and in the early afternoon. I came over immediately and said to your able assistant that there were concerns by other Senators being expressed, and those concerns entailed whether or not we could get the full agenda of the committee liberated, and I specifically mentioned not just the START treaty but also the CWC treaty.

We were told the CWC treaty was out of the question, but the START treaty we would see. I never personally had a response with respect to the START treaty, and I do know that the administration in between that had some conversations and made it clear to the Senator that the numbers were simply unacceptable.

It seems to me that the key here is to try to see whether or not we could get an agreement on the numbers. I think we have an agreement on the rest of the framework. I am prepared to vote for a consolidation requirement—always have been; I was in the committee. But the issue is whether we are going to do it under a stricture of numbers that are so draconian that we are leaving no discretion and no capacity for the Department itself to operate properly.

And facing that, it is not inappropriate for us to be concerned about creating a freestanding entity that then could go over to the House—for instance, it could go to the House, and it could then be attached to the authorization bill in the House. The authorization bill could be what comes back, and we are faced with sort of this same round robin, unless there is some meeting of the minds

Mr. President, I will be happy to see if we can engage in some discussion on that. In the meantime, I am prepared to yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, the exchanges on this floor sometimes may sound a little more heated than they really are. My reaction to some of the things that have been said is more amusement than anything else.

It is a fact that Senator PELL did not want to manage the State Department reorganization bill offered by the Senator from North Carolina and approved by every Republican Senator.

It is also true that three Senators on the Democrat side came to me and told me what a great bill this was. In addition to that, I do not think the Senator from New Jersey [Mr. BRADLEY], will object to my mentioning the conversation we had at a dinner sponsored by the Senate wives. He came over to the table where Dorothy Helms and I were seated with others, and said, "That's a great bill. I want to help you with it any way I can."

I did not realize, until Senator PELL, my good friend, one of the kindest, most gentle men I have ever known, advised me that Senator KERRY was his designee to oppose my bill, and I think Senator PELL will verify what I have just said.

Mr. PELL. Will the Senator yield for one correction?

Mr. HELMS. Certainly.

Mr. PELL. I yielded to the Senator from Massachusetts not to oppose but to manage the bill. There is a difference.

Mr. HELMS. All right, I accept that. I understood it the other way. But if the Senator remembers it that way, that is fine. I have no quarrel with Senator PELL. He is a thoroughbred gentleman. Always has been, always will be.

The moment that we began discussion of the State Department reorganization bill, which by the way, Mr. President, let me reiterate, five former Secretaries of State came before the committee or wrote to the committee, or both, and say, in effect, this is the greatest thing since sliced bread, it needs to be done. As soon as the markup, as we call it, began, there was one protest, one suggestion after another. I do not know how many times the distinguished Senator from Massachusetts and I went to the back room. We recessed the committee; he would make a proposition, and I would agree to it.

Then someone would insist on another concession, and another and there would always be something else, another suggested concession. And that is the way it has been on this floor each time legislation comes up regarding State Department reorganization.

The truth of the matter is, Mr. President, the State Department does not like this bill—well, half of the State Department. You would be surprised, Mr. President, at how many State Department people tell us privately that they want this bill. The opposition from the bureaucrats has been vociferous because they do not want to lose their well-paying positions.

Here you have, for example, the Agency for International Development, the foreign aid giveaway program, if you please, which has lobbied everybody in sight. They had a session down at the National Press Club where they engaged in personal ridicule. Brian Atwood for example said, "Well, HELMS drew up his reorganization plan on the back of an envelope."

Immediately the media came to me: "Did you hear what Brian Atwood said?"

"Well, yes, I did," I acknowledged.

"What is your response?"

I said, "Abraham Lincoln did pretty well on the back of an envelope. I hope I do one-tenth as well."

That is the way it has been.

The Vice President is in charge of reinventing Government and has done so with much fanfare. He pledged that "we are going to do this, and we are going to do that." I myself talked with the Vice President on the telephone and said, "Mr. Vice President, let's work together on this thing." All we got was a little bit of doubletalk and to this day—to this day—not one scintilla has come from the reinventing office. I will tell you what they reinvented up there, or down there. They have reinvented a horse and buggy, and that is about all.

Senator KERRY came on the floor back in July—July 31. There was a concerted effort from the Democrats: "Don't vote for cloture," they intoned, including the three Senators—four Senators actually—who told me what a great bill it was. But not one Democrat, except the distinguished ranking member of the committee, voted for cloture. And I do not want to speak for Senator PELL, I believe I am correct in my understanding that he has never voted for cloture. There was a phalanx of opposition. They were not going to allow it to be voted on because they do not want to trim down the bureaucracy, they do not want to cut foreign aid, and I would not yield to demands that we bring down our bill to the point that it was absolutely meaningless.

Now, we have moved from abolishing three agencies to abolishing two agencies to abolishing one. I believe Senator KERRY has already acknowledged that this is the case. My recollection is that he accepted the $3 billion savings provision when I offered my proposition—one agency abolition.

Mr. KERRY. Will the Senator yield for one point?

Mr. HELMS. Yes, briefly.

Mr. KERRY. The Senator said he accepted the $3 billion. The $3 billion was originally in his bill. We proposed $2 billion. So nothing was accepted.

Mr. HELMS. Mr. President, when we agreed to move it to one agency—I will ask the Senator what he recalls he said yesterday about the amount of money?

Mr. KERRY. Mr. President, I say to my friend that what I said—his able aide, Steve, was there at the time. We were interested in trying to see if we could use the structure of the House numbers, because under that structure we felt there was sufficient discretion within the capacity of the administration to do the consolidating that would be required. It seems to me that given the fact that we know we are going to wind up in a conference anyway, and the House has a position, it was a reasonable proposal to try to make in the spirit of cooperation. His staff informed me, Mr. President, at that time that there was a contingency fund contained within the Helms legislation of about $125 million, and that that fund ought to be able to be sufficient to take care of some of the concerns of the administration because it had flexibility.

So I then went back to examine that, but found, in fact, that there are other problems presented because the money is not there. So you have a serious problem if the money is, in fact, not there, No. 1. And we never actually got back to a further conversation.

Mr. HELMS. Mr. President, I cannot yield for the Senator to make a speech.

Mr. KERRY. I am trying to explain.

Mr. HELMS. Please, Senator. There is no money in this amendment, none. So on what does the Senator base his conversation about that?

Mr. KERRY. To answer the question, the Senator is absolutely correct. There is no money in his amendment.

Mr. HELMS. That is not what the Senator has been saying.

Mr. KERRY. The money is in the appropriations bill, but it is not in the appropriations bill in the amount that the money is in the Senator's amendment. So for us to accept his staff's word that because it is authorized, somehow the problem goes away, is incorrect. The problem remains because the appropriators have not given us the money.

Mr. HELMS. Mr. President, maybe we are getting somewhere. I think before this exchange with the distinguished Senator from Massachusetts began, he said something to the effect, "perhaps we can get together." Is that what the Senator said?

Mr. KERRY. I am always prepared to try to see if we can work things out.

Mr. HELMS. All right. Let us see how far the Senator is willing to go. May I ask the Senator if he is suggesting a reduction in the $3 billion savings as required in the amendment?

Mr. KERRY. Mr. President, I have suggested an alternative figure.

Mr. HELMS. I did not understand the response.

Mr. KERRY. That is affirmative. We have suggested an alternative figure and structure.

Mr. HELMS. Well, there is only one figure. There is only one figure in the amendment. Do you want to go to $2.7 million in savings as a compromise?

Mr. KERRY. Mr. President, first of all, I would love to put in a quorum call and have a moment to talk to my friend and see if we can work through it. Again, let me outline what we have suggested as a fair approach. We would like to know a date certain that the START Treaty could come to the floor and have a vote.

Mr. HELMS. Mr. President, I cannot allow my friend to take off on a rhetorical gambit. I did not mention the START Treaty.

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. HELMS. The Senator from Massachusetts knows as well as anybody that neither of us can set the date for a START Treaty in this bill or in this amendment. The leadership will set that date, not Senator KERRY, not JESSE HELMS, not in this legislation and not in the amendment.

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

Mr. HELMS. If I know the answer, I will, yes.

Mr. KERRY. I know the Senator knows the answer to this because he taught most of us how to do it. That is, through a unanimous-consent request, when there is this kind of a legislative impasse, you can accomplish anything on the Senate floor; is that not true?

Mr. HELMS. Well, yes, but agreements involving the scheduling of treaties has happened on either side. The Senator knows what he is doing when, at the last minute, as another feature of his compromise, he wants to stipulate when the START Treaty will start.

Mr. KERRY addressed the Chair.

Mr. HELMS. I have the floor, do I not?

The PRESIDING OFFICER. The Senator has the floor.

Mr. HELMS. Let me tell you the position the Democrats are in and the administration is in. They moan and groan about the Ambassadors being held up. They remind me of the fellow who shot his mother and father and then asked the court for mercy because he was an orphan. They have deliberately blocked consideration of the original State Department reorganization bill, beginning on the first day of debate.

Who was the Senator whom they brought in for 2 hours 12 minutes? The distinguished senior Senator from Massachusetts, who wanted to talk about the minimum wage. For the past 2 years, during his chairmanship of the relevant Senate committee, the senior Senator from Massachusetts did not even mention minimum wage.

So, obviously, a filibuster began at the beginning. The instructions had been handed down. And, yes, I am perfectly willing to clear the deck and clear all of the Ambassadors and all the rest of it to the extent I am able to. But I cannot speak for the majority leader, BOB DOLE, and I will not, or for the minority leader, to work out to their satisfaction.

Let me state a few things that I will be willing to do. If the Senator from Massachusetts wants to present, representing the majority of his side, a reduction in the $3 billion savings required in the amendment, we will talk about it. I want to know how much reduction they want in the savings. But I will tell you one thing, Mr. President; the American people want at least $3 billion saved in the foreign aid giveaway. That is the meat of the coconut. That is what the Democrats oppose. That is what Brian Atwood is opposing.

Somewhere in these discussions, I am going to bring up the arrangement by the Agency for International Development to move into a sort of Taj Mahal, at $55 per square foot. It is going to cost—in the bill there is about $40 million just for moving expenses for the Agency for International Development—the foreign aid giveaway program which, by the way, began as one of those Federal temporary programs. Mr. President, there is nothing so close to eternal life as a temporary Federal bureaucracy. This is a demonstration of it. That is the reason they are fighting so hard. I have never seen such lobbying. Wendy Sherman, a nice lady,

has absolutely reached the ultimate in ferocity in campaigning against this legislation from the very beginning.

She is good at what she does. I acknowledge that. I have told her so.

The fight is about whether the U.S. Senate and the U.S. Congress is going to do what the people demanded in last year's election, and that is to cut Federal spending. One of the top things on the minds of 80 percent of the American people is cutting foreign aid.

That is the problem with this bill. That is the reason we keep getting this stone stew sort of a thing.

I see the distinguished Chaplain of the U.S. Senate sitting there, our good friend, Dr. Ogilvie. I related to him the story about the farmer who had a visitor one day who claimed he could make a delicious stew out of a stone, water, and nothing more.

His friend said, "I want to see you do it." So he got a stone, put it in a pot of water. He said to his friend, "This would be a better stew if you had a few carrots in it." So his friend got a few carrots. "And it would be better if it had a few beans, beef," and added various other ingredients. In the end, his stone stew was tasty.

That is the way our dear friend from Massachusetts negotiates. He comes and says, "We will do this but it needs more of that. How about more of something else?" I agree but it doesn't come to an end. This happened in committee, as well as here on the floor yesterday.

Then he said, "Well, you have to do this, too." I have tried to be accommodating. From three agencies to two agencies to one agency. See? Then Senator KERRY comes back and he ends up requesting the great big piece of roast beef, that is something that he knows I cannot do. That is to guarantee when the START treaty is going to be considered by the Senate. That is his coup de'tat, the way to kill any hope of any negotiation.

Now, I will accept the Senator's statement as his word. His word is his bond. If he wants to sit down in good faith and specify what he is willing to do, I am willing to work with him.

Now, I have been provided with some figures. The moving of the quarters of the Agency for International Development for fiscal year 1994 and 1995 at a cost to the taxpayers of $14 million. That is just the move. In fiscal year 1996 it will cost another $17 million. For fiscal year 1997, another $9 million. This little temporary agency that started way back yonder is going to take 3 years to move, one bureaucratic mess to the Taj Mahal at $55 a square foot.

Anyway, let me say again for the RECORD, I will not debate further with the Senator from Massachusetts, if he decides to sit down and negotiate in good faith, and specify what he is willing to do and stick by it, he has a deal. I will either accept it or reject it in equally good faith.

I yield the floor.

Ms. SNOWE. I thank you, Mr. President.

I certainly want to join in this discussion because I think it is critical as chair of the Subcommittee on International Operations in this Senate, and I have been the ranking member of the same subcommittee in the House of Representatives for the last 10 years.

It is surprising to hear the tenor of this debate here today about the consolidation proposal.

First of all, I think it should be understood that the administration never submitted a State Department authorization, which is a first, at least to my knowledge and with the experience I have had on that subcommittee for the last 10 years, there has never been a case where the President has not submitted his own proposals with respect to the State Department authorization.

This consolidation issue is not something that just developed in recent days or weeks. In fact, it was first initiated by the current Secretary of State, Warren Christopher, back in January, only to be rejected by the President.

Interestingly enough, the Secretary of State's proposal for consolidating the State Department and the other agencies that we are referring to today, by Chairman HELMS, pretty much approximates what this consolidation proposal is all about.

In response to Secretary Christopher's proposal and in rejecting it by the administration, on January 26, Vice President GORE issued a press release announcing the second phase of the national performance review. "It is anticipated that the overall review of international affairs programs and agencies will result in savings of at least $5 billion over 5 years and a substantially enhanced capacity to deliver more effective programs overseas and provide value to the American taxpayers."

I remind my colleagues that the administration and, indeed, the Vice President, proposed $5 billion over 5 years. This consolidation proposal is referring to $3 billion over 4 years. The $3 billion was determined by the Budget Committee, but it is less than what the administration proposed for consolidating and cutting within the State Department and its related agencies.

I think the bottom line here is that the administration, the President on down—and what we are hearing today and is reflected in the comments made by the Senator from Massachusetts—is that they do not want any consolidation proposal.

I should remind you we started out consolidating three agencies, and the Senator from Massachusetts and I had a number of conversations. In fact, we had hearings at the subcommittee level and at the full committee level. This is an issue that has been discussed throughout this year.

The President does not want a consolidation proposal. We started out with three agencies to be merged into the State Department. Chairman HELMS recommended yesterday that we will take two agencies.

In fact, the Senator from Massachusetts, before the committee, had recommended one agency for consolidating and merging to State Department. In fact, Chairman HELMS said he would accept that. Now we are down from three to two to one, and we are still not able to reach an agreement.

Yes, it should not be on this bill. We hoped we could complete the State Department authorization bill. That should have been done long before the recess. In fact, it was here on the floor, but it was clear we were not making any progress, that a stalemate had occurred because of this consolidation proposal.

So really that is what it is all about, that the President does not want to consolidate these agencies. The President will not even submit a plan to tell us how we reach this goal of $3 billion or tell us where he stands on anything other than opposing consolidation. He does not even put forward his own proposals.

So we have to move forward because the American people deserve to have a more innovative approach to the problems we are facing. They certainly deserve to have consolidation and savings within the State Department. We want to do it on a reasonable basis. I think going from three agencies to consolidate to two, to one is a very fair compromise. It is more than compromising. Yet we do not seem to be making any progress.

Over this last year we were told time and again, "We want to work with you to produce an agreement." We started out last winter, we had our hearings, we had more hearings because they said they needed to examine this issue further. And I say that is fair because this is serious business. We do not take this consolidation lightly. We do not say we have all the right answers with respect to this proposal. Clearly we could not be that far off the mark since Secretary of State Warren Christopher proposed essentially the same proposal for consolidating.

Then it came to the committee markup, and the Senator from Massachusetts did propose an alternative at the last minute but we said again "Let's work before we go to the floor."

We went to the floor and nothing happened. It went on and on, and it was clear we had to move on to other subjects pending before the Senate. So here we are now on the appropriations bill.

What we would like to know is, how do we move beyond this so we can resolve this question, complete the State

Department authorization, and also do what we need to do with respect to savings? We have to achieve $3 billion in savings, and that is the issue here. I cannot believe that the President would oppose consolidation within the State Department. There are five former Secretaries of State and two former National Security Advisers who have endorsed this proposal. That represents many years of experience with respect to foreign relations.

I cannot believe we would just systematically reject out of hand the idea of consolidation. At a time when we are driving to balance the budget over the next 7 years, we are saying we are not going to do it with respect to the State Department and related agencies. A proposal was put forward—come your way, down to one agency—and we have still yet to make any progress.

I think that is regrettable. I certainly have not experienced this in all the years in which I have addressed this issue. Believe me, we had many contentious issues with previous administrations on the State Department, but we were able to resolve them. At the very least, we had a President who was willing to submit a proposal. This President has not.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Vermont.

Mr. LEAHY. Mr. President, I am concerned that we have a proposal to reform U.S. foreign affairs agencies on this bill. It is a major proposal. It restructures the way we administer our foreign aid programs. It merges most foreign affairs functions into the Department of State.

The reason I am concerned is it is in this bill. This is an appropriations bill. We have had a lot of hearings on appropriations. We had a lot of hearings on where we spend money on everything from the security interests of the United States abroad to how we help in humanitarian programs. We have not had hearing one on how we might rewrite, in the appropriations bill, a formal change in our whole foreign policy apparatus.

If we are going to have that debate, we have an excellent Foreign Relations Committee. They can bring an authorization bill to the floor. They have once. Bring one down, get it passed. That is where it should be. But to suddenly take the appropriations bill—not even the State Department appropriations bill, but the foreign operations appropriations bill—and say let us rewrite the Department of State and our whole foreign policy apparatus, that makes very, very little sense to me.

It would be like saying we are going to take the District of Columbia appropriations bill and while we are doing it, let us redo the Department of Housing and Urban Development. Because, after all, the District of Columbia is an urban area and the Department of Housing and Urban Development handles urban matters. It is about that related. To do it here, simply because the Senate rejected attempts to do it in another guise, does not make much sense to me.

I have long advocated better coordination among the executive branch agencies and foreign policymaking. I have done that in both Democrat and Republican administrations because both Democrat and Republican administrations have had problems in such coordination. But I think the proposal we see here would result in U.S. national interests being less well, not better, served.

Why is the Foreign Agriculture Service administered by the Department of Agriculture, not by the State Department? Because farmers know they can count on USDA to represent their interests better than the Department of State. And all experiences have proven that.

Why, 15 years ago, did we take the commercial function away from the State Department and create a foreign commercial service in the Department of Commerce? It was because State had for years neglected export promotion. They would sacrifice export interests to foreign policy priorities. They treated their own commercial officers as second-class employees, and it was because the American business community demanded we do something better.

The reason we have separate Foreign Service bureaucracies is that many of our foreign policy interests are actually domestic policy interests and they are best pursued abroad by technical experts from domestic policy agencies, not by foreign policy generalists from the State Department. You go to the domestic policy agencies that know a particular area and send them.

I do not know about North Carolina farmers or Maine farmers but Vermont farmers are not all anxious to see the State Department expand its influence over U.S. foreign agricultural policy. If you shift power from domestic agencies to the State Department, that is not going to strengthen representation of United States interests and United States policy, but it will strengthen representation of French interests and Argentine interests and Russian interests and interests of other parts of the world.

I have been advocating reform of our foreign aid program ever since the fall of the Berlin wall so I am happy to see a discussion of this issue. Sponsors of the amendment say our foreign aid program should further our national interests. I do not know anybody who agrees more with that than I do. But I do not agree with the definition of the problem.

The problem is not that the Agency for International Development is somehow ignoring America's national interests. The problem is, since 1961—going back to a time before I was old enough to vote—when the Foreign Assistance Act was enacted, much of our foreign aid was allocated to winning allies in the fight against communism. Billions went to rightwing dictatorships with little or no commitment to democracy or improving the living conditions of their people or even allowing business competition—either our business competition or their own business competition.

So a lot of that aid failed by standards that we, all of us, would apply today. But it is unfair and I believe it is even disingenuous to judge AID's effectiveness today against the failures of the past, because in the past our goals were fundamentally different.

The Secretary of State has full authority under statute to give policy direction to AID. The State Department, we all know, influences AID's activities every day. If AID's projects deviate from State Department policy, it is not because AID is out of control. It is because the people at the State Department are not paying enough attention to what they are doing.

I think the amendment ignores the considerable efforts of administration to improve AID's performance. There have been years of neglect—we all have to admit that—under the previous administrations. But, with Brian Atwood at the head of the AID, with the efforts of an awful lot of people and with the support of an awful lot of Members of Congress, Republican and Democrat alike, there have been significant improvements.

Over the past 2 years, we have seen dramatic progress at the Agency for International Development and the Treasury and State Departments in redefining our foreign aid priorities. They focus resources where they can achieve the most advance in U.S. interests abroad. They have done that, in spite of the constraints of an obsolete Foreign Assistance Act—as I said, a Foreign Assistance Act that passed later in that year when I finally became old enough to vote. It has been a long time. That could require some changes.

We are not going to do it in the appropriations bill. As I said before, it would be like trying to reorganize HUD on the District of Columbia appropriations bill. We have enough trouble trying to take care of the problems of the District of Columbia.

Here we have major issues. Chairman MCCONNELL and I and others on both sides of the aisle have worked very closely to try to improve things and try to work within the constraints of the amount of money we have for those programs specifically under this bill. To ask us somehow to take on something our committee has not handled, that we have had no hearings on, and to write it in, pages and pages and

pages and pages of authorizing legislative language on this appropriations bill, I cannot accept that.

I cannot accept the fact that it ignores what has happened. I mentioned AID Administrator Brian Atwood before. He has made extensive changes at AID. He initiated an agencywide streamlining effort that resulted in plans to close 27 missions. Incidentally, that is a reduction of 1,200 staff. He is installing state-of-the-art data processing systems that links headquarters in Washington with project officers in the field in real time which ensures that the information available at the one end of the pipeline is also available at the other. That is going to increase efficiency and improve decisionmaking. It is going to be a quantum leap forward from what it was just a few years ago.

Administrator Atwood has decentralized decisionmaking. People closest to the problems have now the full opportunity to design solutions. AID is improving its performance because, for the first time since the mid-1980's, it has hands-on leadership that is really committed to making our foreign aid program have effective leadership that actually cares that it works in the best interests of the United States.

Can they make that performance better? Sure. It is like every one of us who may feel we run our offices very, very well. Every one of us can honestly say there have to be ways we can make it better. Anything can be made better. But the question here has to be not can AID make it better, especially with the tremendous steps forward which they have made, the question has to be: But can you take it away from AID, turn it over to the State Department and have them do it better? I doubt it. If you abolish AID, if you ask the regional Assistant Secretaries of the State Department to manage its functions, I think that would be a serious mistake. These Assistant Secretaries are very good. But they are chosen for their expertise in broad foreign policy. They do not have the experience—many of them—in managing money and programs as AID does. Lord knows. Many of them are up to their necks in alligators trying to deal with the daily emergencies and complexities of our political relationships with the countries in their regions.

Even former Secretary of State Lawrence Eagleburger, a man whose management skills I have always admired, and whose political policy savvy I also have admired—and a Republican—expressed doubt about this proposal in his testimony before the Foreign Relations Committee on March 23. I quote Secretary Eagleburger. He said:

> The State Department is not well suited, either by historical experience or current bureaucratic culture, to assume many of these new responsibilities.

I might put it a little more bluntly. The State Department speciality is making policy. It has never—and probably never will—manage these kinds of programs well. Secretary Eagleburger offered the hope that with Cabinet selection of Under Secretaries it might do better. But I am reluctant to trade a bureaucracy that is doing reasonably well and getting better every day at delivering foreign aid with one that has no competence or outside chance that it might get better. If we disperse the responsibility of foreign aid among Assistant Secretaries of State, we are going to hear more stories about misguided failed projects—not fewer—and more questions about why we have foreign aid—not fewer.

AID performs a wide array of tasks that enjoy overwhelming support among the American people. Every year they managed programs worth $1 billion aimed at protecting the Earth's environment. Does protecting the Earth's forests and oceans and atmosphere matter to us as Americans? Why, it should. Does it further our foreign policy interest? Of course, it does. A century from now we are not going to have any foreign policy unless we join with other countries today in protecting our environment because we will be spending all of the time just trying to stay alive in an environment not suited for the habitat of humans.

Every year AID manages hundreds of millions of dollars to international health programs. Is this money wasted? Is tuberculosis infectious? Is AIDS infectious? Of course, they are. Tuberculosis just does not sit in one country. AIDS just does not sit in one country. They go worldwide. I tell you right now. There are 250 million Americans who will tell you unequivocally that we can do things to try to wipe out these diseases worldwide so they do not come across our borders they would be for it.

Every year AID commits a large part of its budget to promoting free markets and democratic development in countries where the United States has important interests. That is not diplomacy. It is hands-on assistance that requires people with special expertise on the ground who can get the job done, working with foreign governments and private organizations on the nuts and bolts of solving real problems. That is what AID does.

When we get those free markets going, when we get that democracy going, do you know who profits by it? Many, many times companies in my State, and the other 49 States, because they export. We all know that we are getting far more exports, and a far greater increase in our exports, I should say, in the developing world than we do in the developed world. The greatest percentage of new export jobs are created in exporting to the developing world. AID helps in that.

We have a strong need to rewrite the Foreign Assistance Act. We define the framework for foreign aid. That is the job of the Foreign Relations Committee. They had an opportunity earlier this year to do that. I suspect that they will work at it again, and will bring it to the floor. And we will have a real debate, and we will agree with some, disagree with others, and finally the Senate will work its will on such legislation; but not on an appropriations bill.

AID can continue downsizing and improve its efficiency. Let us not abolish an agency that is aggressively adapting itself to the changed world we live in to a shrinking foreign aid budget.

Mr. President, I strongly hope that this legislation will not be considered on this bill. The distinguished leadership can bring it up as an authorizing piece of legislation if it wants. We can argue and debate other things. Let us get our appropriations bill through. If we stick to the items that are within the jurisdiction of the Appropriations Committee, if we vote on matters that are within the jurisdictions of the Appropriations Committee, if we vote on matters that are actually part of this bill, why, we could be done before the Dracula hour of legislation.

My colleagues know the Dracula hour is what I refer to as the time when too often we end up voting. Those are the hours after darkness when people who work for family-friendly organizations tend to see their families. And those who want to be home tend to be there. Where we with a sense of camaraderie and perhaps people who do not have families tend to stay here together eagerly looking forward to vote after vote into the wee hours of the night.

Frankly, Mr. President, if we could just talk about appropriations matters on this, we could all go home for supper tonight. Think what a novel idea. Think of opening the door and having children say, "You look so familiar. Didn't I see your picture in the paper once?" To have, if you have one, a pet responding perhaps with some dim memory of who you are, and not bite you as you come in the door; to have your neighbors look out and say, "I know him" or her.

Perhaps they might even ask for an autograph, or at least not call the police thinking you are a stranger.

Think how wonderful it would be and we would probably have a good piece of legislation.

I see the distinguished Republican leader on the floor. I see others seeking the floor.

I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The majority leader.

Mr. DOLE. Mr. President, I think the Senator from Rhode Island is also seeking recognition.

I am going to offer an amendment and make a brief statement, and then I think there will be statements made in support or maybe even in opposition.

I ask unanimous consent that all pending amendments be set aside.

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

AMENDMENT NO. 2726

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

I ask that the amendment be read. It is very brief. I think that will sort of explain the purpose of the amendment as well as I can.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE), for himself, Mr. SIMON, Mr. HELMS, Mr. HATFIELD, Mr. D'AMATO, Mrs. FEINSTEIN, and Ms. MOSELEY-BRAUN, proposes an amendment numbered 2726.

The amendment is as follows:

At the appropriate place in the Bill, add the following:

LIMITATION ON ASSISTANCE TO COUNTRIES THAT RESTRICT THE TRANSPORT OR DELIVERY OF UNITED STATES HUMANITARIAN ASSISTANCE

SEC. . (a) IN GENERAL.—None of the funds made available in this Act may be used for assistance in support of any country when it is made known to the President that the government of such country prohibits or otherwise restricts, directly or indirectly, the transport or delivery of United States humanitarian assistance.

(b) EXCEPTION.—Subsection (a) shall not apply to assistance in support of any country when it is made known to the President that the assistance is in the national security interest of the United States.

Mr. DOLE. Mr. President, I ask unanimous consent that in addition to Senator SIMON, Senator HELMS, Senator HATFIELD, Senator D'AMATO, Senator FEINSTEIN, and Senator CAROL MOSELEY-BRAUN be added as cosponsors.

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

Mr. DOLE. Mr. President, I rise today to thank my colleagues for their support of the Humanitarian Aid Corridor Act. The amendment that has been offered, I think, is clear and precise, not very long. We just had it read. It has strong bipartisan support, and it furthers an important American foreign policy objective, which is to facilitate the prompt delivery of humanitarian aid.

The amendment, which overwhelmingly passed the House, prohibits U.S. foreign assistance to countries that impede or prohibit the delivery or transport of U.S. humanitarian assistance to other countries. This legislation also recognizes there may be a compelling U.S. national security interest which would override the principle of noninterference with humanitarian aid.

For this reason, U.S. foreign aid to nations in violation of this act may be continued if the President of the United States determines that such assistance is in the national security interest of the United States.

Let me say, Mr. President, this bill does not single out or exempt any one country. All nations are held to one standard. The intent is simple, to ensure that American humanitarian aid can be delivered where it is needed and when it is needed.

Currently, there is one country that is clearly affected by this legislation. Turkey, a valuable ally in NATO and in Operation Desert Storm, continues to receive a large amount of assistance in the form of grants and concessional loans financed by the American taxpayers. At the same time, however, they continue to enforce an immoral blockade on Armenia.

Mr. President, today marks the fourth anniversary of Armenia's independence from the Soviet Union. We as Americans welcome their independence and through our humanitarian efforts strive to help this fledgling democracy grow and prosper. Their road has not been an easy one, but the United States has been willing to provide the assistance they need. The delivery of humanitarian assistance to aid those in need is consistent with the fundamental values of our Nation. This legislation will also strengthen our ability to deliver such assistance, which, as I stated before, is an important component of our foreign policy.

Just let me conclude by saying it does not make sense to offer U.S. taxpayer dollars unconditionally to countries that hinder our humanitarian relief efforts. And in light of budgetary constraints, it is imperative that U.S. relief efforts be timely and efficient. The Federal budget deficit and spending constraints require maximum efficiency in the usage of U.S. foreign assistance. And no doubt about it, countries that prevent the delivery of such assistance or intentionally increase the cost of the delivery of such assistance do not deserve unrestricted American assistance.

I urge my colleagues to support this amendment, not for partisan politics, but for the belief in the fundamental values this Nation is built on.

Let me repeat. If some country out there is receiving American aid and they are preventing delivery of assistance paid for by the American taxpayers or if they circumvent delivery or make it almost impossible or impede delivery, or increase the cost of delivery, then I do not believe they should receive American assistance. And that is all this amendment is about. It does not exempt any specific country. It does not apply to a particular country. Right now, it applies to Turkey, but in the future it will apply to any other country that would follow the same practice.

I hope, if the amendment cannot be accepted, it can be voted on rather quickly.

I also ask unanimous consent to add my colleague, Senator MURRAY, as a cosponsor, and my colleagues, Senator KERRY from Massachusetts, Senator PRESSLER from South Dakota, and the manager of the bill, the Senator from Kentucky, Mr. MCCONNELL as cosponsors.

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

Mr. DOLE. I see my primary cosponsor, Senator SIMON, is in the Chamber, and I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Let me just say very briefly I wish to commend the majority leader for this amendment. Like many of my colleagues, I share the desire to see that countries are not allowed to block delivery of U.S. humanitarian assistance. Senator DOLE has led a bipartisan coalition of Senators in promoting this ideal through the cosponsorship of this amendment. I applaud his efforts and am glad to be a cosponsor of this amendment.

This particular measure enjoys widespread support in both the House and the Senate. Earlier this year, the House International Relations Committee approved the bill by a vote of 27 to 7. The Senate Foreign Relations Committee followed suit and voted in favor of the bill by a vote of 14 to 4. And most recently the House voted to include the provision in its foreign operations appropriations bill which passed the House overwhelmingly.

Countries which choose to blockade the delivery of U.S. humanitarian assistance exponentially increase the cost of that assistance. Currently, we find ourselves facing a situation where we are forced to stretch every dollar in the foreign assistance account. Allowing a nation to needlessly increase the cost of our assistance, thereby further limiting the amount of aid we are able to provide, is just simply unacceptable. We have a responsibility to the American taxpayer to ensure that their hard-earned money is sufficiently utilized.

If the United States is going to remain actively engaged in world affairs, as I believe it should, it must be allowed to provide assistance which is needed. This amendment makes good budget sense and is an important moral statement.

Clearly, we cannot afford to leave this issue unaddressed. I think Senator DOLE's proposal offers a reasonable and intelligent solution to this problem. I deeply appreciate his efforts and leadership on the issue.

In addition, I would like to thank him for including an emergency waiver provision in the proposal. While we want to ensure countries do not block our efforts to deliver assistance, it is important that we provide the President the ability to waive this provision in the event of humanitarian or security emergencies.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I thank the Chair.

I am pleased to be a cosponsor of this legislation.

As Senator DOLE pointed out, this does not apply specifically in the language to any one country. Now, it does apply immediately to our relationship with Turkey because Armenia faces a very, very grim situation. And I have to say I was a little appalled when, I guess about 2 years ago, I flew to Armenia with colleagues in the Senate and we could not fly over Turkey, after all the aid we have given Turkey. We had to go around to get to Armenia. But when you get there, you see the countryside in many areas with trees taken down, what once were beautiful trees on great avenues, because they are desperate for fuel. It is a tough situation.

Ironically, Turkey would benefit economically by entering into normal diplomatic and trade relations with Armenia. Azerbaijan wants to have an oil line going from Azerbaijan, through Armenia, through Turkey to supply the world with oil. Turkey benefits. Armenia benefits. Azerbaijan benefits. This is not an anti-Turkish resolution, but it does say in simple words, if you get American aid, you cannot stop humanitarian assistance to another country.

That has been what Turkey has been doing. I regret that. Turkey has been a valuable ally. I am old enough, perhaps unlike the Presiding Officer; I can remember the Korean war very well when Turkey was one of the few countries that really provided assistance. In many ways I feel grateful to Turkey, but I believe the message beyond this is that Turkey ought to be getting along better with her neighbors. That means Greece, that means Armenia.

But the principle that is in this legislation is sound: You do not get American foreign aid if you block humanitarian assistance to a nation that needs it. I am pleased to be a cosponsor. And I hope the Senate will overwhelmingly accept the amendment.

Mr. COCHRAN. Mr. President, I hope this amendment will not damage the longstanding alliance between the United States and Turkey.

Located in one of the most volatile regions of the world, bordered by Greece, Bulgaria, Iraq, Iran, Syria, and several former Soviet Republics, Turkey acts as a stabilizing force in the region. She has stood with the United States in all its conflicts since the Second World War, from the Korean war to the gulf war. She was the bulwark of NATO's southern flank during the cold war, defending 37 percent of the NATO-Warsaw Pact land frontier, as well as her Black Sea coast and the straits controlling Soviet access to the Mediterranean.

Turkey is connected geographically, ethnically, or politically to the problems of Iraq, Iran, Armenia, Azerbaijan, Bosnia, Cyprus, Greece, Bulgaria, Russia, Tajikistan, Syria, and Islamic fundamentalism. As one journalist has written, "Turkish foreign policy today is a 360-degree nightmare." Now more than ever, the United States should work with Turkey as she continues to be the strong bridge between the Moslem world and the West, her Western orientation serving as a model for many of the republics of the former Soviet Union.

I believe that both Turkey and Armenia recognize their need to lessen tensions and to cooperate with the United States to resolve regional problems, including the Armenian-Azerbaijan conflict over Nagorno-Karabakh. As a good will gesture toward Armenia in April 1995, turkey opened an air corridor connecting Erzurum to Yerevan, previously closed for 2 years. I hope that Armenia will reciprocate and that the process toward improved relations—already well under way—will continue.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the proposed amendment to prohibit U.S. assistance to countries that prohibit or restrict the transport or delivery of U.S. humanitarian aid. This is a basic matter of principle: No country should have the right to interfere with the delivery of humanitarian assistance anywhere. When the United States provides food, medicine, and clothing to suffering civilian populations, in response to war or natural disaster, there is simply no justification for a country to block this assistance, especially when that country receives assistance from the United States itself.

The United States goes to great lengths to ensure that nations in dire need for humanitarian aid receive it in the most expedient and efficient way. Supplying humanitarian aid to people in need is consistent with the basic values of our Nation, and we should not ignore attempts to hinder its delivery.

This amendment would apply to all countries which receive U.S. assistance. However, as we all know, the major problem in this area today lies with Turkey's blocking of United States humanitarian aid to Armenia, a contemptible practice which has gone on for over 2 years.

While Turkey has made some progress on this issue, agreeing to open an air corridor to Armenia, this does not begin to address the problem of humanitarian assistance which must be transported over land. The bulk of the assistance we send to Armenia requires such land conveyance.

It is my hope that the administration will work with Turkey to ensure that all routes available for bringing humanitarian aid to Armenia are opened. Opening an air corridor is only the first step toward resolving this serious problem. Perhaps by working with Turkey on this issue, we can help to avoid ever having to invoke the aid cutoff called for in this amendment.

It is important to note that this amendment includes a national security waiver, thereby recognizing the fact that there may be compelling national security interests which require U.S. assistance to countries even when the recipient is blocking humanitarian aid to others. This waiver also appropriately preserves the President's prerogative to conduct U.S. foreign policy.

Turkey is an important United States ally, and I realize that assistance to Turkey is an integral part of our foreign policy to ensure regional security in that part of the world. However, we simply cannot continue to assist Turkey, or any other nation, which impedes the delivery of humanitarian aid to others. Again, this is a matter of principle, and it is my hope that my colleagues from both sides of the aisle will support it.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

REORGANIZATION AND THE FOREIGN RELATIONS COMMITTEE'S BUSINESS

Mr. PELL. Mr. President, earlier today some statements were made on the floor of the Senate concerning the proposed reorganization plan for the State Department. The suggestion was made that Democratic Members—specifically those on the Foreign Relations Committee, are responsible for holding up the processing of Ambassadorial nominations and other business by delaying the passage of the reorganization plan.

I think that suggestion warrants a response. Why? The reorganization plan at issue is not a bipartisan plan. I only wish it was. Its existence was made known only yesterday, and it was crafted without the knowledge or input of even one Democratic Member. Already, it is clear that there are serious differences and much disagreement about the plan.

I have other thoughts about this plan which should be expressed later.

But I just wanted to respond to the suggestion that somehow it is the Democratic side of the committee that is delaying the consideration of nominations, legislation, treaties, and other important matters.

The truth is that there is not, nor has there ever been, a Democratic hold on the Foreign Relations Committee's business. It is entirely the prerogative and within the power of our Republican colleagues to resume the committee's business. The halt in activity is an attempt to force an amendment that is supported and written and endorsed only by Republicans. We should not succumb to it simply because the proponents state erroneously that Democratic Members are responsible for the delay.

Mr. President, during the years that I chaired the Foreign Relations Committee, I always tried to move every nomination and conduct business in both a timely and collegial fashion. Never—never—during those years—and indeed during those years of service on the committee—since 1964—can I recall a time when the committee was stopped dead in its tracks to force the consideration of a controversial measure. I do not think that is a proper way to conduct business and a tactic I have always—always resisted using over a great many years.

I would hate to see it being used now, and the Senate becoming a battlefield, saying some of the Members will not do what they should do anyway, what they were hired to do, plus the treaty, plus the nomination, and in the meantime say, "We will not do what we are supposed to do until you do what we want you to do." And I think it is a bad precedent.

I would hope that the Senate turns it down.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 2726

Mr. LEAHY. Mr. President, I understand that we may have one or two others who might want to speak—that we may not have any others that want to speak on the pending amendment.

Am I correct, Mr. President, in understanding that the pending amendment is the Dole amendment on humanitarian corridors?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Mr. President, I agree with the distinguished Republican leader on this amendment. In fact, I would ask to be named as a cosponsor of the amendment.

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

Mr. LEAHY. Mr. President, one of the greatest things the United States can do as a country with worldwide reach is to help in humanitarian matters. We are very, very fortunate as a country. Periodically, we have faced devastating situations in our own country. We did in Los Angeles, of course, during the earthquakes. We did in Florida during the hurricanes. We have seen devastation of Americans in the Virgin Islands, in Puerto Rico in the past few days. But we are such a powerful nation and such a wealthy nation that we can help each other out. Whether it is the flood of a couple years ago in Montpelier, VT, my hometown, we are America; and through our Federal Government, we came together to help with the floods in the Midwest of a year ago. But there are other countries that are so small and so poor that when they are faced with an earthquake or faced with tornadoes or faced with flooding, devastation, they have nowhere to look to but the international community. And the United States, along with many of our allies, have always responded.

I remember earthquakes in Armenia, flooding in Bangladesh, famine in Africa, earthquakes in other parts of the world—Mexico, for example—we have responded. We have the ability to reach out and fly supplies literally anywhere in the world. We have the ability to send medical technicians and experts and rescue operations and others anywhere in the world. It is something that, just to stop and think, in our lifetime, for most of us in our lifetime it was impossible for any nation to even think of doing this in the way that we do with the communications, the logistics, just the resources. And a child suffering loss of family because of an earthquake, anywhere in the world, is a child suffering; or an adult who has had their whole livelihood washed away in a flood, is an adult suffering, no matter where they are in the world.

If the United States and the American people, through everything from Red Cross, Catholic Charities, Decatur, and the Federal Government, respond, we respond not to say, well, we will respond to this child because they are politically correct, but not this child because they have a different ideology or something, we respond because they are human beings suffering. We responded in countries that technically were countries that were adversaries of ours. We responded to people. We will always continue to do so. But I think when we do it, and I think when our allies do, we should not be blocked from giving that humanitarian aid because we give it not to advance a political agenda of the people aided or of our own. We do it to help people suffering.

So this amendment is not intended to embarrass or cause problems with Turkey or any other country. It is a matter of principle. It says that the people's needs should not be denied aid for political reasons. We have given aid. I remember a time even during the cold war when those allied with the Soviet Union who were in need, and the United States, like our allies, responded to that need when called upon to. It is like a ship hearing another ship in distress. You do not ask what flag they carry; you say they are under distress, and we go to help them.

So, I would say to any of our allies who may be concerned about such an amendment, this is not intended to embarrass you. It is intended to carry out what has always been the policy of the United States. People desperately need help. If we can help, we do. We do this in Vermont. If a neighbor's home or barn is on fire, or they are suddenly incapacitated, we go to help. We do this as world neighbors, too.

Mr. President, I would hope that the amendment would be accepted. And while we check to see if there are others coming, I was going to put in a call for a quorum, although I see the distinguished chairman on his feet. I yield to him.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I am unaware of anyone who wants to speak on this side, nor am I aware of any calls for a rollcall vote. So if the distinguished ranking member can check his side, we will be ready to vote.

Mr. LEAHY. I wonder in the meantime if we might just suggest the absence of a quorum.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. HELMS. Mr. President, the purpose of my offering an amendment—I ask unanimous consent that all pending amendments be laid aside temporarily.

The PRESIDING OFFICER. Is there objection?

Mr. PELL. There is objection.

The PRESIDING OFFICER. Objection is noted.

Mr. HELMS. In that case, I will discuss the amendment. I can certainly do that.

The PRESIDING OFFICER. That is in order.

Mr. HELMS. Mr. President, let me read the text of the amendment that I shall offer presently. It is entitled, "Prohibition on use of funds for relocating Agency for International Development to Federal Triangle Building."

Section 577. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this act may be used to relocate the Agency for International Development, or any part of that agency, to the Federal Triangle Building in Washington, District of Columbia.

When I send this amendment to the desk and it is stated, the Senate will have before it a rather interesting set of circumstances. While the Senate Foreign Relations Committee was busy approving legislation to abolish the Agency for International Development, this very same entrenched bureaucracy at AID was preparing to spend $40 million to move its offices into some of the most expensive real estate in the entire Washington area.

Apparently, AID officials must believe they are playing with Monopoly money, and that the Agency for International Development has just landed on Boardwalk.

In any case, the building known as the Federal Triangle and dubbed by one

of the Washington newspapers as "a blueprint for a boondoggle," was originally supposed to cost $362 million. But its cost ended up being in the neighborhood of $700 million. Tom Sherman, former Assistant Administrator at the General Services Administration called it "the project from hell."

Yet, despite congressional efforts to abolish the Agency for International Development, that agency now intends to burrow in at this plush, new Taj Mahal on Pennsylvania Avenue, further isolating itself from the Department of State.

(Mrs. HUTCHISON assumed the Chair.)

Mr. HELMS. Now, you will recall, Madam President, that early on I referred to the fact that five former Secretaries of State have endorsed—and now Senator DOLE has joined in sponsorship—my plan was to reorganize the State Department and to abolish three independent Federal agencies. When I say independent, I mean independent.

All three of these agencies were established as temporary Federal agencies. As I said earlier today, there is nothing so near eternal life as a temporary Federal agency. The Agency for International Development is one of the three agencies that would be abolished under my plan to reorganize the State Department. And AID itself says its proposed move has already cost the taxpayers $13.6 million in fiscal years 1994 and 1995, and will cost at least an additional $27 million in fiscal years 1996 and 1997.

When a Federal agency contemplates such a move, it usually does so with the goal of saving taxpayers' money. But that is not the goal of the Agency for International Development. AID, obviously, intends to go in exactly the opposite direction. Right now, AID pays $20 million for its leases in the DC area, but after the move, AID will spend more than $32 million a year in rent. So this move would, in fact, increase the Agency for International Development's annual rent by more than a third.

The pending amendment, which I shall send to the desk momentarily, would save at least $16 million next year alone by prohibiting AID from spending any money to facilitate its move out of the State Department.

So let me explain why this move will be so costly to the American taxpayers, 80 percent of whom do not like the foreign aid program anyhow. On the chart next to me is the cost of USAID's luxury offices. The average cost of office space, per square foot, is $37 in DC, $23 in Northern Virginia, and $20 in suburban Maryland. Had the Agency for International Development chosen one of those sites. But, oh, no, AID chose the luxury building. Look at the cost—$55 per square foot. You can see what that is. The chart clearly shows that the average cost to lease space in either Virginia or Maryland is less than $29 per square foot. Even in central Washington the going rate for leasing space is $37 per square foot. But, at this moment, under the terms negotiated by the Agency for International Development and the General Services Administration, AID intends to lease space in the Federal Triangle building for a minimum—that is a minimum—of $55 per square foot, which is far more than any private business in Washington would agree to pay. It does not take a rocket scientist to perceive that the people at the Agency for International Development have been snookered in this deal—whether they knew it or not is yet to be determined.

More shocking, I suppose, is that the Agency for International Development intends to lease a substantial amount of what it calls structurally-changed space for more than $97 per square foot, and that is three times the fair market value of this space.

So, Madam President, while some of us in Congress are working to abolish the Agency for International Development, the Agency for International Development, itself, has been busily figuring out ways to spend even more Federal Government money—meaning the taxpayers' money—with this new move to this high-rent district.

So I say, Madam President, I hope the Senate will vote to give the taxpayers a break for a change. The Agency for International Development neither needs, nor deserves, to be an occupant of a Taj Mahal. This facility, by the way, is the second largest in the District of Columbia, the Pentagon being the largest.

Now then, Madam President, I send my amendment——

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

The PRESIDING OFFICER. The pending question is the Dole amendment.

Mr. LEAHY. Does that have to be set aside, or is this an amendment to the Dole amendment?

Mr. HELMS. It was set aside, I inform the Chair.

Mr. LEAHY. The understanding of the Senator from Vermont is that it was not set aside.

The PRESIDING OFFICER. I am told by the Parliamentarian that the Senator from Rhode Island objected to the Dole amendment being set aside. So the pending business is still the Dole amendment.

Mr. HELMS. I think what he objected to—but I will not contest the issue—was my sending the amendment to the desk. If that is the Chair's ruling, fine. But, Madam President——

Mr. LEAHY. If the Senator will withhold, let me explain the situation, the way I understand it is.

Madam President, I do not want to stop the Senator from bringing this or any other amendment up, unless it is something that requires a point of order. But we have one amendment pending, and that was set aside to take up an amendment by the distinguished Republican leader. I would like to start getting some of these things that are backed up here voted on one way or the other. I would like to get the humanitarian one done and then go to others.

I say that only because I am afraid we will keep having amendments after amendments out here in ether and about 9 o'clock or 10 o'clock tonight when everybody will be coming to the distinguished Senator from Kentucky and myself saying, "When will we go home? on the outside chance we will see our family again," and then we start voting.

I know that is not the intent of the distinguished Senator from North Carolina, but I wonder if maybe we could get rid of the one that is there once the Senators who wish to speak on it do, and then go on to more.

I know that an objection was made by the distinguished Senator from Rhode Island, and I will at least for the moment—I am sure the Senator from North Carolina understands we have to protect that objection.

The PRESIDING OFFICER. I am told by the Parliamentarian that the Senator from North Carolina could offer a second-degree amendment to the Dole amendment without unanimous consent.

Mr. HELMS. Let me ask a parliamentary question of the Chair. I know the answer before I ask.

Suppose I should call for regular order?

The PRESIDING OFFICER. If you call for regular order, the question would be on the Senator's first amendment, No. 2707, which is pending to the first amendment.

Mr. HELMS. I am not going to do that.

Mr. LEAHY. Further parliamentary inquiry.

Mr. HELMS. I have not yielded the floor.

I am perfectly willing, for my part, to offer my amendment as a second degree to the otherwise pending Dole amendment, of which I am a cosponsor, by the way.

But I think I ought to do him the courtesy of asking if he has any objection to that.

Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BYRD. I shall not detain the Senate long. I apologize to Senators for the delay, but I have to say that there are too many things happening today.

I was tied up in an appropriations conference on the Transportation appropriations bill when I understood that Mr. DOLE had offered his amendment and hoped to have a vote soon.

Therefore, with that explanation, I shall proceed now to what I have to say otherwise.

Senator DOLE has offered an amendment which, although it does not spell out by name the country Turkey, it is clearly aimed at Turkey. The amendment, a repeat of S. 230, the Humanitarian Aid Corridors Act, cuts U.S. assistance to countries that "prohibit or restrict the transport or delivery of United States humanitarian assistance" to other countries. It is clearly aimed at Turkey's refusal to allow aid to pass through Turkey to Armenia.

I would like to say I have been listening to statements that have been made and I would like to, as Paul Harvey says on the radio—or used to say, I do not get a chance to listen to him anymore—tell "the rest of the story." Why does Turkey restrict the passage of aid to Armenia? Or, I should say, why did Turkey restrict the passage of aid to Armenia, since Turkey opened the air corridor from Erzurum to Yerevan on April 20, 1995, subject to the establishment of direct communication links and an aviation protocol between the two countries?

Prior to 1993, Turkey allowed hundreds of tons of third party assistance to pass through its territory and airspace to Armenia. But in 1993, Armenia escalated the conflict in Nagorno-Karabakh, an autonomous region of ethnic Armenians located within the Republic of Azerbaijan. Azerbaijan and Armenia are both neighbors of Turkey. Currently, more than 20 percent of Azerbaijani territory is occupied by Armenia, and one of every seven Azerbaijanis is a refugee in his own country. At the time, the official U.S. reaction was to condemn the Armenian offensive, which undermined the CSCE-sponsored—Conference on Security and Cooperation in Europe—CSCE-sponsored peace process. Human rights groups have chronicled the human rights abuses against Azerbaijan. In February 1995, the Human Rights Watch/Helsinki group published a 118-page report on the subject, entitled "Azerbaijan: Seven Years of Conflict in the Nagorno-Karabakh." Madam President, if human rights were the real issue here, perhaps aid to Armenia should also be reduced.

So, I say this just to say that this is a matter that is so more complicated than has been presented thus far. The government of Turkey is not to be said to be acting capriciously. It has responded to the concerns of its own citizens, who are culturally closer to the Azeris than to the Armenians. Public opinion in Turkey, something that we respect a great deal in this country, would not support assistance going to Armenia. Humanitarian aid to Armenia, which would allow that nation to concentrate on a military offensive in Azerbaijan while still addressing the needs of its own people, while Azeris were being turned into refugees, simply could not be tolerated. Cutting off the passage of aid was a political decision, designed to help push for the end of the conflict between Armenia and Azerbaijan as quickly as possible. This is not unreasonable, but it is understandable.

I would also note, as an aside, that Armenia is slated to receive $85 million in U.S. assistance from this bill. However, as there is some question as to Armenia's cooperation in allowing humanitarian aid to reach Azerbaijan, it is not entirely clear that Armenia will not also be caught in the net that is being woven in this amendment for Turkey.

Finally, I would like to again remind my colleagues of the many sound reasons the United States has for maintaining a strong relationship with Turkey. I have only yesterday noted the unique position of Turkey as a moderate, predominately Muslim nation, a representative democracy in a region that is increasingly becoming radicalized and extremist. Turkey was among the first nations to recognize Israel, and it has been an example and a supporter of peace in the Middle East.

Turkey is also a member of NATO, and during the Cold War was responsible for defending 37 percent of the NATO/Warsaw Pact border, along the strategically critical Southern Front. Turkey continues to maintain a large military, like the United States, but unlike most other NATO allies. This military security allowed Turkey to stand bravely with the West, in the face of some internal opposition, against Saddam Hussein, and all this despite a 331 kilometer border with Iraq. Turkey has paid the price for that cooperation. It closed the oil pipeline from Iraq, losing millions in revenues. It has supported the economic sanctions against Iraq, previously its second largest trading partner. It made quite a sacrifice in doing that. Over 2,700 air sorties to strike Iraq originated in Incirlik, Turkey. Since the war, over 23,000 sorties flown over Iraq to protect the Kurds in northern Iraq have been flown from bases in Turkey. The U.S. Operation Provide Comfort to support the Kurds in Iraq would not be possible without the support of the Turkish government and its people.

Both Secretary of Defense Perry and Chairman of the Joint Chiefs of Staff, General Shalikashvili, have written letters in support of a continued strong U.S.-Turkish relationship. A continued strong relationship with Turkey is in our interest. It is in the interests of Turkey. It is in the interests of Israel. It is in the interests of Greece.

Poorly disguised pro-Armenian, anti-Turkish amendments and bills serve only to undermine the support that the United States needs to serve our interests in sustaining Iraqi sanctions, honoring our promise to protect the Kurds in northern Iraq, promoting moderation in Middle East politics, and maintaining the NATO alliance.

Madam President, this amendment does contain a waiver for national security reasons. I hope that, should this amendment be adopted, the President will exercise that waiver and maintain a strong and important U.S.-Turkish relationship.

I ask unanimous consent to have printed in the RECORD the letter from the Secretary of Defense, Mr. William Perry, dated May 24, 1995, in which letter Mr. Perry writes as follows:

> I am also disturbed by some provisions of H.R. 1561 which would impose unnecessary restrictions on the ability of the President to conduct U.S. foreign policy. Its prohibition on assistance to countries which in any way restrict the flow of U.S. humanitarian aid would unduly damage our important security relations with Turkey.

And, also, a letter written to representative SONNY CALLAHAN, member of the House Appropriations Committee, and signed by the chairman of the Joint Chiefs of Staff, John M. Shalikashvili, in which he states—I will include this in the RECORD:

> Imposing more restrictions on this valued ally will only hinder our attempts to encourage progress and bring about lasting change. The Turks are proud people, and respect for the military is a time-honored tradition. By withdrawing support for them and taking on the role of adversary, we lose access to key decision makers. Recent progress combined with Turkey's unquestioned strategic importance, should drive the United States to increase support to Turkey in order to achieve our objectives, not destroy bilateral relations.

Madam President, I ask unanimous consent that the letter be printed in the RECORD in its entirety at this point, as well as a statement by Nick Burns, Office of the Spokesman, U.S. Department of State, dated April 30, 1995, and I yield the floor.

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

THE SECRETARY OF DEFENSE,
WASHINGTON, DC,
May 24, 1995.

Hon. RICHARD GEPHARDT,
Minority Leader,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE GEPHARDT: I am deeply concerned by some of the recommendations of the Committee on International Relations regarding the American Overseas Interests Act of 1995 (H.R. 1561), particularly as they affect the President's International Affairs (150) budget request. The 150 budget is critical to our ability to protect our nation's security interests. Though these funds are provided in the 150 account, the Department of Defense has a direct stake in the outcome of this debate, because they directly support our national security program.

H.R. 1561, as reported by the Committee, would authorize 150 programs at significantly reduced levels. Adequate International Affairs funding, however, is essential to crisis prevention and gives us an alternative to unilateral U.S. action in support of our interests. For example, foreign affairs spending can mitigate internal and regional conflicts that, left to fester, could require U.S. military logistical involvement and possibly direct intervention, with escalating human and material costs. The costs of such contingencies are borne primarily in the DOD budget at the expense of military readiness. Underfunding the International Affairs budget, in my view, runs the risk that the United States will be unable to protect its interests except with military force.

I am also disturbed by some provisions of H.R. 1561 which would impose unnecessary restrictions on the ability of the President to conduct U.S. foreign policy. Its prohibition on assistance to countries which in any way restrict the flow of U.S. humanitarian aid would unduly damage our important security relationship with Turkey. Cutting off security assistance to this important Western-style democracy would only hurt our efforts to contain the threats in the Middle East. Other restrictions in H.R. 1561 would hinder our ability to implement and fund the Agreed Framework with North Korea, undercutting our achievements in preventing the spread of nuclear weapons. Finally, H.R. 1561 would restrict our ability to contribute to international organizations which can help shoulder our security burden.

I appreciate the support for military assistance activities, particularly IMET, included in H.R. 1561. However, for the reasons stated above, I would recommend that the President veto the bill if it were presented to him in its present form.

Sincerely,

WILLIAM J. PERRY.

Hon. SONNY CALLAHAN,
House Appropriations Committee,
Washington, DC.

DEAR MR. CALLAHAN: Thank you for the opportunity to provide my views on the military importance of Turkey. Now that Turkey occupies the new front line in the post-Cold War era, the strategic value to the United States of having a staunch and steadfast ally situated in a critical strategic location in the flanks and Middle East cannot be overstated.

Turkey has had a tradition of supporting Western interests over the past 50 years. From 1950 to 1953, Turkey provided a 4,500-man infantry brigade to join the United States in the U.N. effort in Korea. Turkish forces fought with enormous valor and distinction. Turkey was also the bulwark of NATO's southern flank during nearly the entire Cold War, defending 37% of the NATO-Warsaw Pact land frontier, as well as Turkey's Black Sea coast and the straits controlling Soviet access to the Mediterranean.

During Operations Desert Shield and Desert Storm, Turkey was a stalwart supporter of the United States and coalition efforts. Turkey allowed the deployment of Joint Task Force Proven Force fighters and other aircraft to Incirlik Air Base. The Turks allowed strike missions against Iraq from Incirlik—almost 2,700 sorties were flown from Turkish territory. The Turks have paid a heavy price for their support of the coalition during the Gulf War, due not only to the closing of the Turkish-Iraqi oil pipeline but also as a result of sanctions against Iraq, formerly Turkey's second largest trading partner. As of 19 June, the coalition has flown over 23,000 sorties out of Incirlik in support of humanitarian operations protecting the Kurds of northern Iraq. Further, without Turkish military support, our humanitarian operations in Provide Comfort would have long since been terminated and Saddam Hussein would have subjugated the Kurds of northern Iraq.

Additionally, the Turks have stood with us in Somalia, contributing 350 troops and the commander of the military elements of the U.N. force after U.S. forces withdrew. They also support current operations in Deny Flight and Sharp Guard with over 1,500 troops in UNPROFOR in Bosnia. Turkey represents a positive role in the Middle East peace equation and uses traditional influence with the Central Asian Republics to spread democratic values, secular principles, and to promote market-based economies. In our endeavors to reduce tensions in the Aegean between Greece and Turkey, the Turkish military has been forthcoming in providing unilateral good faith gestures toward the Greeks and working with us to establish military-to-military Confidence Building Measures to bring about a reduction in tensions.

Turkey's continued participation NATO as a strong ally of the U.S. remains vitally important as new security arrangements evolve in Europe. Next to the U.S., Turkey maintains the largest standing army in NATO. We have supported their efforts to modernize commensurate with the threats they face in this rough neighborhood. While some of Turkey's neighbors continue development of weapons of mass destruction, Turkey faces increasing fiscal constraints in efforts to modernize and remains vulnerable to the threats posed by these weapons.

It is my understanding some individuals would eliminate military assistance to Turkey based on human rights concerns. The Turkish military is actively engaging in efforts to improve human rights awareness among its personnel. Progress is visible in their newfound willingness to discuss this sensitive issue openly. They have instituted new rules of engagement for all military operations and provided additional training to many soldiers assigned to anti-terrorist operations. While the recent operations in northern Iraq drew sharp criticism from many of Turkey's European neighbors, evidence indicates that Turkish military went to great lengths to protect the lives of innocent civilians while destroying terrorist base camps. There has been, in short, significant progress on the human rights front.

I have personally engaged General Karadayl, Turkey's Chief of Defense, in dialogue regarding human rights and found him to be willing to assist in moving forward with new measures aimed at enhancing Turkish democracy and human rights. The Turkish military leadership is backing progress on human rights and is ready to make a concerted effort to see democratization legislation pass. Imposing more restrictions on this valued ally will only hinder our attempts to encourage progress and bring about lasting change. The Turks are proud people, and respect for the military is a time-honored tradition. By withdrawing support for them and taking on the role of adversary, we lose access to key decision makers. Recent progress combined with Turkey's unquestioned strategic importance, should drive the United States to increase support to Turkey in order to achieve our objectives, not destroy bilateral relations.

Your support in ensuring continued military assistance to Turkey is appreciated. Please do not hesitate to call if I can be of further assistance.

Sincerely,

JOHN M. SHALIKASHVILI,
Chairman, Joint Chiefs of Staff.

U.S. DEPARTMENT OF STATE,
OFFICE OF THE SPOKESMAN,
April 20, 1995.

[Statement by Nick Burns, Spokesman]

TURKEY: OPENING OF AIR CORRIDOR WITH ARMENIA

The United States is pleased to note that the government of Turkey has decided to reopen an air corridor to Armenia. This should help the flow of humanitarian aid to Armenia. It represents the first concrete step in what appears to be a warming trend in Turkish-Armenian relations, and can help further efforts for peace in Nagorno-Karabakh and stability in the region.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Madam President, let me respond just briefly to my friend from West Virginia, and he is my friend. I have tremendous respect for him, and he gives us a historical perspective not only in the Senate but from the centuries. If you visit the Simon household you will see in our dining room a print of a painting by a young ROBERT BYRD done some years ago. I forget the year. I am sure ROBERT BYRD could tell us the year of that painting.

Mr. BYRD. It would have to be at least, Madam President, 100 years ago for me to have been young.

[Laughter]

Although I feel that my spirit is still young.

Mr. SIMON. But let me, Madam President, respond to what Senator BYRD had to say. When he called this a poorly disguised anti-Turkey amendment, both Senator DOLE and I mentioned in discussing the amendment initially that it would immediately affect Turkey. There has been no attempt to hide that. Though the principle, we think, is sound, a nation that denies humanitarian assistance to another nation should not get American foreign aid.

On the situation in Karabakh, I have not visited that region. I have visited Yerevan, the capital of Armenia, and Baku, the capital of Azerbaijan. Karabakh is a region where the large majority of people are Armenian by heritage. Again, I say this as someone who has not visited the area, but there is a division of opinion within Karabakh. Some of them want that as an independent country. Some of them want Karabakh to be part of Armenia.

But the Government of Armenia, while clearly the sympathy and public opinion in Armenia is powerful just as it is in Turkey—Senator BYRD mentioned public opinion in Turkey—the Government of Armenia has assisted by providing electricity to Karabakh, and there is at least the strong possibility, maybe a probability, that they have provided some weapons to assist

the government there. Whether that has been done by the government or whether it has been done surreptitiously just by volunteers I frankly do not know. But there is in that region now a cease-fire, and there is movement toward negotiation.

There have been small steps forward. And one of the small steps forward was mentioned by Senator BYRD. When the Prime Minister of Turkey—and right now the Prime Minister of Turkey is trying to reorganize the Government of Turkey, as I am sure Senator BYRD is aware. But she has shown some small steps toward reconciliation with Armenia. We ought to be encouraging those small steps, and other steps to be taken. That is the aim of this resolution.

Mr. BYRD. Will the Senator yield just at that point?

Mr. SIMON. I am pleased to yield.

Mr. BYRD. We should be encouraging additional steps. I am just not sure that this is the way to go about it.

Mr. SIMON. That is where my friend and I differ. I think this is a way to send a message, and as the Senator from West Virginia has pointed out, we have flexibility in here. The President can negate this. The President can say it is in our national interest to go ahead despite this violation. So I think it is wise.

One other point Senator BYRD makes that I think is a point which we should keep in mind—not only in this but in other things. Turkey is predominantly a Moslem country. We are going to have to be more sensitive to the Moslem world than we have been. We have in the United States more Moslems than we have Presbyterians today, one of the amazing statistics, at least as it applies to me when I learned it. That is why I think what we did in Somalia by helping the people of Somalia was very important, and I think it was one of George Bush's finest hours despite the criticism that sometimes is made of our small reaction.

But the principle that is established here in the Dole amendment I think is sound. Does it apply to Turkey right now? Yes. Will it apply in other situations in the future? Yes. Do we have flexibility with it? Yes. Because we permit the President of the United States to have a waiver.

So I think the resolution should be adopted. I hope we will accept it, and move ahead.

Again, I make clear that neither on the part of Senator DOLE nor on my part is this designed as an anti-Turkey amendment. It is a message, however, to the Turkish Government.

Madam President, I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Madam President, my distinguished friend says that this amendment sends a message. He interprets the message in a different way from the way I interpret it. That is what I am concerned about. It will not be interpreted in Turkey as the way, perhaps, Senator SIMON wants it to be. I cannot speak authoritatively, of course. But I do not believe this is the way to send a positive message to the Turks. I am concerned that we will send a message that backfires. I have no particular ax to grind for Turkey, or for Greece, or for Israel. I am not anti-Turkey. I am not anti-Armenian. I am not anti-Israel, and I am not anti-Greek. I am pro all of them. But I am even more pro-American. My first interest and my last interest, and my interest all the time, is in what I feel to be the best interests of the United States of America.

I think we sometimes offer amendments that may appeal to this, or that, or some other special interest group or lobby, and there are some pretty powerful ones that can sway a lot of votes in this Senate. I suppose in that regard, I might wish that Turkey had a more powerful American lobby. Turkey does not have a powerful lobby in this country. And for that matter neither do the American people.

I am here lobbying for the American people. I do not claim to be more patriotic than any other Senator. I do not ascribe any ulterior purpose to anyone. We are all patriotic. But I am afraid that we may weaken and undermine the interests of our own country when we become a little overly enthusiastic at times in sending so-called messages to countries that are our friends, and that have demonstrated time and time again their friendship towards the United States.

Look at the strategic position of Turkey on the map. The people of Israel, and the people of Greece should recognize that there is a strong Turkey protecting their flanks and their security interests. There are forces within Turkey that are striving to turn Turkey's face away from the West and may someday succeed in converting Turkey into another Iran. Then where would Israel be? Then where would Greece be? Then where would NATO be? Our own security interests would suffer. I am just pro United States, and I see Turkey as a friend, an ally. So we cannot afford to insult her. It seems that we have a proclivity for wanting to slap Turkey around—to send a "message."

Madam President, I respect the views of other Senators, but I hope the Senate will not adopt this amendment. If it does, I hope that the President will exercise the authority to waive this provision.

I yield the floor.

Mr. MCCONNELL. Madam President, I do not believe there are any other speakers on this side of the aisle on the Dole amendment, nor do I have a request for a rollcall vote. So I think we are ready to move forward.

Mr. LEAHY. Madam President, I would be perfectly happy, since no one is requesting a rollcall vote on this side, to go with a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2726) was agreed to.

Mr. MCCONNELL. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

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

Mr. HELMS. I wish to inquire of the managers or acting manager, as the case may be, is there now any objection to my setting aside temporarily the pending amendment so that I can have stated the amendment that I have already discussed?

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. I am not sure I understand the question. There was some noise here, and I literally could not hear the Senator.

The PRESIDING OFFICER. Is the Senator from North Carolina asking that the pending amendment be set aside so that he can offer his amendment?

Mr. HELMS. All pending amendments.

The PRESIDING OFFICER. All pending amendments. That is the question.

Is there objection to setting aside all the pending amendments so the Senator from North Carolina——

Mr. HELMS. Madam President, if I inferred or if I implied that I want to set aside the committee amendment, I do not want to do that.

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. Madam President, I am not sure. Has the Senator made that request, or was he asking Senator MCCONNELL as the manager, and myself as the ranking manager whether we would accept such a request? That was my problem.

Mr. HELMS. The communication will go all the way down. I do not understand what the Senator said.

Mr. LEAHY. We seem to have a communication problem.

Might we enter a quorum call for just a moment?

Mr. HELMS. Fine.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Madam President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

Mr. HELMS. I thank the Chair.

AMENDMENT NO. 2727 TO COMMITTEE AMENDMENT ON PAGE 2, LINE 25

(Purpose: To prohibit the use of funds for relocating the Agency for International Development to the Federal Triangle Building, Washington, District of Columbia)

Mr. HELMS. Madam President, oh, about 30, 40 minutes ago I was delayed in having my amendment, which is now at the desk, stated.

When I asked unanimous consent to have all amendments laid aside, except the committee amendment, there was an objection. Now there is no objection, as I understand it. So I now ask that the amendment be stated.

The PRESIDING OFFICER. Is there objection?

If not, the clerk will read the amendment.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2727 to the committee amendment on page 2, line 25.

The amendment is as follows:

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

PROHIBITION ON USE OF FUNDS FOR RELOCATING AID TO FEDERAL TRIANGLE BUILDING

SEC. 577. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be used to relocate the Agency for International Development, or any part of that agency, to the Federal Triangle Building in Washington, District of Columbia.

Mr. HELMS. Mr. President, while the Senate Foreign Relations Committee was busy approving legislation abolishing the Agency for International Development, the entrenched bureaucracy at AID has been preparing to spend $40 million to move its offices into some of the most expensive real estate in the entire Washington area. Apparently, AID officials think they are playing with monopoly money and that AID has just landed on Boardwalk.

The building, known as the Federal Triangle and dubbed by the Washington Times a "Blueprint for a Boondoggle," was originally supposed to cost $362 million but its cost has soared to $700 million. Tom Sherman, former assistant administrator of GSA called it the project from Hell. Yet, despite congressional efforts to abolish AID, they intend to burrow-in at this plush, new Taj Mahal on Pennsylvania Avenue, further isolating AID from the Department of State.

According to AID, its proposed move has already cost taxpayers $13.6 million in fiscal years 1994 and 1995 and will cost at least an additional $27 million in fiscal years 1996 and 1997. Now, when a Federal agency contemplates a move, it usually does so with the goal of saving taxpayers money. But AID intends to do just the opposite. Right now, AID pays $20 million annually for its leases in the D.C. area. After the move, AID plans to spend more than $32 million a year in rent—so this move would actually increase AID's annual rent by more than one-third.

The pending amendment would save at least $16 million next year by prohibiting AID from spending any money to facilitate its move out of the State Department.

Let me attempt to explain why this move will be so costly to the taxpayers. The chart next to me illustrates how much AID intends to spend per square foot for this new lease as compared to lease costs elsewhere in the Washington area.

The chart clearly shows that the average cost to lease space in Washington is less than $29 per square foot. Even in central Washington, the going rate for lease space is only $37 per square foot. But right now, under the terms negotiated between AID and the General Services Administration [GSA], AID intends to lease space in the Federal Triangle building for a minimum of $55 per square foot—far more than any private business in Washington would agree to pay. It does not take a mathematician to know that the folks at AID have been snookered on this deal.

More shocking, AID intends to lease a substantial amount of what it calls structurally changed space for more than $97 per square foot—triple the fairmarket value of this space. So, while Congress is working to abolish AID, AID is busy figuring out ways to spend more Federal money with this move to the high-rent district.

Mr. President, let us give the taxpayers a break. AID does not need a new Taj Mahal.

I yield the floor.

The PRESIDING OFFICER. The amendment is pending.

The question is on agreeing to the amendment.

So the amendment (No. 2727) was agreed to.

Mr. McCONNELL. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Madam President, it is my understanding we are down to about four or five amendments left that would require a rollcall vote, other than amendments that the distinguished chairman of the Foreign Relations Committee may have and that the majority leader may have. So I would like to encourage—and I see one of those Senators here on the floor, the distinguished Senator from New Mexico.

Again, let me repeat, we are down to about four or five amendments that will require a rollcall vote, other than the amendments that may be offered by the distinguished chairman of the Foreign Relations Committee and by the majority leader. So that is where we are at the moment. I see Senator BINGAMAN here.

Mr. LEAHY. Madam President, the Senator includes in that—so we make sure we understand—one that would obviously require a rollcall. That would be the major reorganization amendment that we debated earlier today.

Mr. McCONNELL. I say to my friend from Vermont that is one of the amendments of the distinguished chairman of the Foreign Relations Committee.

Mr. LEAHY. Madam President, while we are waiting for just some administrative work being done on an amendment which is about to be offered, we have here, at least as it came out of committee, basically a very straightforward appropriations bill. The distinguished chairman and myself worked very, very hard on this. We tried to accommodate the concerns and desires of Republicans and Democrats alike in the Appropriations Committee and others who came to us with amendments. Those things that we could not agree on when we did it, we had votes in the committee on them.

We are now, on the 21st of September, 9 days before the end of the fiscal year, on one of the 13 major appropriation bills that have to be passed. Frankly, I would like to see—and I suspect the distinguished chairman agrees with this—I would like to see if sometime by early evening we could just vote and pass all of these; either vote these amendments up or vote them down, and then vote up or vote down on the final bill. And I urge our colleagues to work toward that end.

Frankly, my willingness to accept or accommodate amendments diminishes as the Dracula hour approaches. I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from New Mexico is recognized.

AMENDMENT NO. 2728

(Purpose: To allow residents of the United States to send to their immediate family members in Cuba small amounts of money to pay for basic necessities such as food, clothing, and medical care)

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

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 2728.

The amendment is as follows:

At the appropriate place insert the following:

SEC. . PROTECTION OF HUMANITARIAN EFFORTS.

Notwithstanding any provision of law to the contrary:

(a) FAMILY SUPPORT PAYMENTS.—Residents of the United States shall not be prohibited from sending to their parents, siblings, spouses, or children currently residing in Cuba small amounts of money (not to exceed $200 per month) to be used for the purchase of basic necessities, including food, clothing, household supplies, rent, medicine, and medical care.

(b) COMPASSIONATE TRAVEL.—Residents of the United States shall not be prohibited from traveling to Cuba for a period up to thirty (30) days to attend to a medical emergency involving, or to attend the funeral of, such resident's parent, sibling, spouse, or child.

(c) NATIONAL DISASTER RELIEF.—The United States shall not be prohibited from participating in humanitarian relief efforts of multilateral organizations of which the United States is a member, where such humanitarian relief efforts are made in the aftermath of a natural disaster on the island of Cuba.

Mr. BINGAMAN. Mr. President, this amendment, as the language of the amendment just read indicates, is an effort to put the Senate on record and the Congress on record as favoring protection of some basic humanitarian efforts made by Americans on behalf of the Cuban people.

More importantly, it also allows Cuban-Americans currently residing in the United States to ease the suffering of immediate family members who they may have still remaining in Cuba.

First, the amendment would allow Cuban-Americans and American citizens who currently reside in the United States to provide modest cash remittances of not more than $200 a month to immediate family members.

The reason that this is an important provision is that, as I understand it, we presently have in place a policy or Executive order that is prohibiting those remittances. That has been in place ever since we were negotiating sometime last year with the Cuban Government. I do not believe that this will hurt any efforts to bring democracy to Cuba or aid the Cuban Government, but it will go a great distance in aiding or in easing the suffering of the Cuban people.

Second, the amendment would protect the rights of Cuban-Americans to travel to Cuba in the event of a medical emergency or death in their immediate family. Cuban-Americans would be able to travel for periods of up to 30 days for such emergencies. I am sure my colleagues would agree that any individual should be able to freely travel in order to attend the funeral of a family member or deal with a family medical emergency.

Finally, the amendment says that the United States would not be prohibited from participating in humanitarian efforts of multilateral organizations in the aftermath of any natural disaster that might occur involving the island of Cuba. These international efforts or humanitarian efforts referred to would be efforts initiated by multilateral organizations of which we are already a member, and we, of course, would be aiding in relief efforts through those organizations.

Mr. President, I am sure that all Members of the Senate will agree that the protection of these basic humanitarian efforts by Americans and Cuban-Americans on behalf of the Cuban people and family members is the right thing to do. We may have serious disagreements about United States policy and how that policy can best achieve democracy in Cuba, but surely we can all agree that such a policy should not be inhumane to the people of that country.

Our Government's dispute with the Cuban Government should not interfere with clearly humanitarian efforts and basic family rights of Cuban-Americans residing in this country.

Mr. President, I believe it is important for the Senate to be on record in support of this, particularly in light of some of the Executive orders that have been issued recently.

I urge my colleagues to support the amendment. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. 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. BINGAMAN. Mr. President, I ask unanimous consent that Senator PELL, the Senator from Rhode Island, be listed as a cosponsor of the amendment.

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

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, will the Chair inform me as to what the lineup of amendments is as they now stand?

The PRESIDING OFFICER. The Senate is considering an amendment of the Senator from New Mexico, amendment No. 2728.

Mr. HELMS. That is the pending business. There are three other amendments in line, are there not?

The PRESIDING OFFICER. Two other amendments were set aside. One is an amendment of the Senator from Alaska, Mr. MURKOWSKI, and the other an amendment by the distinguished Senator from North Carolina for himself and for Senator DOLE.

Mr. HELMS. May I ask the manager of the bill, do they intend to accept the amendment? Does the Senator from New Mexico intend to ask for the yeas and nays on his amendment?

Mr. BINGAMAN. In response to the Senator from North Carolina, I was hoping to have a vote on the amendment that I have offered. I would be glad to do that at this time.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. MCCONNELL. Mr. President, we need to withhold from going to the vote. We have not cleared the time yet on this side.

Mr. President, I suggest the absence——

Mr. HELMS. If the Senator will withhold. Would the Senator like to set aside the pending amendment so I can call up another amendment?

Mr. MCCONNELL. Mr. President, is the distinguished Senator from North Carolina suggesting that we handle the—I do not see a number on this—PLO amendment?

Mr. HELMS. Middle East peace, yes.

Mr. MCCONNELL. It is my understanding that that has been cleared by both sides. Is that Senator LEAHY's understanding?

Mr. LEAHY. I am doublechecking that right now. If it is, we can dispense with it in about 2 minutes. Maybe we can save ourselves even more time if we can withhold for just a couple of minutes.

Mr. HELMS. In any case, if the Senator will yield, I do have a statement which would take 5, 10 minutes in connection with the amendment.

Mr. LEAHY. I have no problem with that at all. That might kill two birds with one stone.

Mr. HELMS. I thank the managers of the bill. I shall be as brief as possible. This amendment, as I understand it, has been cleared on both sides. I hope that is correct.

Mr. President, Senator PELL, the distinguished Senator from Rhode Island and ranking member of the Foreign Relations Committee, and I and the several other cosponsors of the Middle East Peace Facilitation Act of 1995 introduced our bill, S. 1064, on July 21, with the now-obvious overly-optimistic assumption that it could and would be incorporated into the State Department authorization bill.

I shall not recount the well-known reasons why the Foreign Relations Committee's State Department authorization bill was given such scant consideration by the minority of the Senate, except to say that it ran into bureaucratic bombardment from the State Department, the White House, and a coterie of independent agency bureaucrats who were tormented by the

very idea that their multibillion dollar playpens might be broken up, which, I might add, was precisely the intent of my piece of legislation.

In any case, here we are with the Foreign Relations Committee's authorization bill now in part tacked onto the appropriations bill.

I certainly find no joy in that set of circumstances. The authorization bill, S. 1964, had bipartisan support, in part because there was a fairly explicit presumption that Chairman GILMAN, the distinguished gentleman over in the House, chairman of the House International Relations Committee, and I would be able to act on our respective reservations about the authorization bill when it went to conference. Now all of that is out the window—at least for the time being. So, as it turned out, BEN GILMAN and I never got the chance.

There are a number of improvements that can and should be made to this legislation. But let me offer some purely personal and fundamental problems that I have with the so-called Middle East Peace Facilitation Act, which is now pending.

If you wonder if I trust Yasser Arafat, the answer is "no." His hands are bloody; his career is smeared with unspeakable acts of terrorism. I will never fully understand how the leaders of Israel could reach the decision to turn over land to Arafat, a man whose creed calls for the destruction of the nation of Israel, and whose co-conspirators have referred to Israel as the "eternal enemy."

Will this peace process convince Arafat that he cannot promote peace while he is winking at gun-toting terrorists in Hamas? I do not know, but I frankly doubt it. Will it matter to Arafat that the Congress of the United States regards Jerusalem as the capital of Israel, and that this Congress has not the slightest predisposition or intent to help finance PLO offices in Jerusalem? I think not.

One thing is certain about the Middle East Peace Facilitation Act of 1995, the pending amendment. One thing or the other is going to happen. Yasser Arafat will have a final opportunity to demonstrate that for once a leopard can change its spots. He will have an opportunity to astonish everybody by demonstrating that he does indeed wish to join the ranks of the decent and honorable in this violent and troubled world. He may astonish me, and I pray that he can and that he will.

All around are leaders willing to risk giving Yasser Arafat one last chance. I fear that I know what is going to happen down the road, and not very far down the road. As is so often said, "let's give peace a chance," even if it proves to be one last exercise in futility.

I have several amendments to offer, none of which will kill the peace process, and the PLO can comply with each and every one of them if Yasser Arafat has even a spark of genuineness in him.

First, although Senators may not be aware of it, the PLO has at least 10 offices operating within the city limits of Jerusalem. The PLO does not belong in Jerusalem. If those offices are not shut down within 6 months, then under this amendment, all U.S. aid to the PLO would be cut off.

Second, 2 years ago Yasser Arafat pledged he would cooperate in providing information regarding the fate of an Israeli-American soldier captured by a PLO faction. To the best of anybody's knowledge, he has not done that. No doubt there is information in Mr. Arafat's hands about other Americans held by the PLO and those affiliated with the PLO.

The President of the United States, under this amendment, must certify that Yasser Arafat is being specifically helpful in the search by the United States for information regarding victims of terrorism. Surely this is a small request in return for assistance that the United States provides.

Third, this Middle East Peace Facilitation Act is to be 18 months in duration. Several Members of the House of Representatives have argued for a 12-month bill. I happen to believe they are right. The situation in the Middle East is so fluid that 12 months will serve everyone better, in my judgment.

Then I have two technical amendments which will follow shortly to clean up some unclear language regarding the Palestinian covenant and the participation of active terrorist groups in Palestinian elections. I doubt that anybody in this Chamber will find either of these objectionable.

In summary, there has been a great deal of discontent and doubt about this peace process. I hope we can relieve some of that. I do hope that all Senators who have suggested alternatives or amendments to MEPFA, I hope they will offer them for an open discussion that will, of course, benefit all of us.

Mr. President, I thank you. I yield the floor.

Mr. LEAHY. Mr. President, this amendment of the Senator from North Carolina is acceptable on this side.

I wonder if the distinguished floor manager would be interested in doing it this way: That we pass by voice vote the amendment by the Senator from North Carolina and then go for rollcall, the yeas and nays having been ordered on the amendment of the Senator from New Mexico.

Mr. McCONNELL. Mr. President, approving the Helms amendment is fine.

I indicated to the Senator from New Mexico that the Senator from Florida, Senator MACK, will want to speak on his amendment, so we will not be able to go forward on the Bingaman amendment yet.

I see no problem in moving ahead on the Helms amendment that is currently before the Senate. I am aware of no opposition to it, Mr. President.

The PRESIDING OFFICER. The amendment has not yet been offered.

Mr. LEAHY. I am referring to the amendment that the Senator from North Carolina has been speaking about.

AMENDMENT NO. 2729 TO THE LAST COMMITTEE AMENDMENT

(Purpose: To Amend the Middle East Peace Facilitation Act)

Mr. HELMS. I send an amendment to the desk for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2729.

Mr. HELMS. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 113, lines 25 and 26, strike "eighteen" and insert "twelve".

On page 119, line 15, insert "and thereby nullified" after the phrase "effectively disavowed".

On page 120, lines 3 and 4, strike "in accordance with the terms that may be agreed with Israel" and insert "that neither engage in nor practice terrorism or violence in the implementation of their political goals".

On page 120, line 15, strike "and".

On page 120, line 19, strike the period and insert "; and".

On page 120, between lines 19 and 20, insert the following:

(7) the P.L.O. has not funded, either partially or wholly, or has ceased funding, either partially or wholly, any office, or other presence of the Palestinian Authority in Jerusalem.

(8) the P.L.O. is cooperating fully with the Government of the United States on the provision of information on United States nationals known to have been held at any time by the P.L.O. or factions thereof.

At the appropriate place in the Committee amendment, insert the following new section:

COERCIVE POPULATION CONTROL METHODS

SEC. . Notwithstanding any other provision of this Act or other law, none of the funds appropriated by this Act may be made 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.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 2729) was agreed to.

Mr. HELMS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, a few minutes ago we passed the humanitarian corridor amendment, of which I was a cosponsor. I ask unanimous consent that the distinguished Senator from Nevada [Mr. REID] be added as a cosponsor.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The 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 have an unprinted amendment—it is a printed amendment—at the desk. I ask it be stated.

The PRESIDING OFFICER. Does the Senator ask unanimous consent to set aside the pending amendment?

Mr. HELMS. Yes, sir. I thank the chair.

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

AMENDMENT NO. 2730 TO THE COMMITTEE AMENDMENT

(Purpose: To restrict the availability of funds for the U.N. Population Fund (UNFPA))

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2730 to the committee amendment.

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

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

The amendment is as follows:

At the appropriate place in the Committee amendment, insert the following new section:

COERCIVE POPULATION CONTROL METHODS

SEC. . Notwithstanding any other provision of this Act or other law, none of the funds appropriated by this Act may be made 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.

Mr. HELMS. Mr. President, the pending amendment is directed toward the U.N. Population Program familiarly known as UNFPA. It is directed at the U.N. Population Program and the People's Republic of China.

The arrest earlier this year of my friend, Harry Wu—and he is a friend of a lot of Senators here—again highlights, I think, China's dismal human rights record. And of course all Senators have heard the horror stories associated with the brutal population control program of the People's Republic of China.

The pending bill proposes to hand over another $35 million to UNFPA—$20 million less than the Clinton administration proposed in my judgment, and I think the judgment of many other Senators, it is still $35 million too much. I, therefore, expect a few UNFPA defenders to come down to the Senate floor and say that U.N. Population Program activities in China really don't matter because UNFPA does some good things elsewhere. Others will claim that language specifically restricting the United States contribution from being used in China is all that is needed. But, I do not buy that, and neither do the American people, if I am any judge of the attitude of the people.

Either UNFPA is mixed up in China's grotesque and cruel population control program, or it is not. And the fact is, UNFPA helped design China's one-child-per-family population control program 20 years ago, and it has actively supported the program ever since. Indeed, UNFPA holds up China's program as a model for the developing world.

The pending amendment insists that the U.N. Population Program terminate its activities in China or the United States Government will terminate its association with UNFPA. It is as simple as that. The amendment is identical to language in the House version of this bill, and should be included in this bill.

Let me say, parenthetically, that a foreign aid conference report may experience some trouble in the House unless this and other pro-life, pro-child provisions remain. Foreign aid is as unpopular in the House as it has ever been, and I do not think that pro-life Congressmen will be inclined to vote for this bill without language protecting unborn children.

Mr. President, let us be clear about the kind of abuses that occur in China under the nose of UNFPA. Women are dragged into government clinics and forced to have an abortion if they already have one child. Women and men are forced, like animals, to undergo sterilization procedures if they violate the one-child policy. This inhumane program—of which UNFPA is so proud—has caused an alarming increase in abortions of baby girls because many Chinese value boys more.

In light of this cruelty against the most innocent and helpless members of the human race, the Christian Coalition's Contract with the American Family specifically targets eliminating funding for UNFPA. A cogent explanation of why UNFPA is targeted is on pages 72–74 of the contract. I shall do everything I can to require that UNFPA pull out of China, or face termination of United States taxpayers' funding.

Mr. President, this bill carries another provision—as have previous foreign aid appropriations bills since 1985—designed to prohibit funding UNFPA, but without identifying UNFPA by name. The provision, known as the Kemp-Kasten amendment, prohibits funding of any "organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization." Senator Kasten and Congressman Kemp had Communist China in mind, where UNFPA operates one of its cornerstone programs.

From 1986–92, the Reagan and Bush administrations determined that UNFPA was in violation of the Kemp-Kasten amendment. Indeed, President Bush vetoed the fiscal year 1990 foreign operations appropriations bill because it gutted the Kemp-Kasten amendment. President Bush opposed funding UNFPA because it was the only organization that violated the Kemp-Kasten amendment and because, as Mr. Bush put it:

The [U.N. Population Program] participates in and strongly defends the program of a particular foreign government [China] which relies heavily upon compulsory abortion. This fund received no United States assistance since 1985, precisely because of its involvement in the coercive abortion policy.

It is well known that one of the first actions taken by President Clinton, when he assumed office, was to reverse this longstanding policy—despite the administration's full knowledge of China's cruel program and UNFPA's close relationship with it. That is why the pending amendment is the pending business in the Senate right now.

AID Administrator Brian Atwood told the chairman of the House Foreign Operations Appropriations Subcommittee, in an August 6, 1993, letter, that

"* * * if there are not significant improvements in China's population program, the United States will not support continued UNFPA assistance to China beyond 1995 when the current program ends."

The fact is, Mr. President, the situation in China has worsened, but UNFPA does not intend to pull out of China, and the Clinton administration has every intention of contributing money to UNFPA. The administration apparently gives UNFPA a wink and a nod in New York, and then glibly tells Congress, "trust us, the United States doesn't support UNFPA assistance to China."

Let me say this in conclusion. Mr. President, Americans already believe that too much of their tax money goes to the United Nations. Poll after poll after poll shows that. And they certainly do not want any administration to give money to the U.N. Population Program, thereby condoning that organization, including its involvement with China's grotesque population control program.

Since China clearly has made no improvement on human rights, and since UNFPA's relationship with China remains unchanged, I strongly urge Senators to support the amendment to force UNFPA out of China.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, as the Senator from North Carolina, I believe, mentioned in his statement, the amendment he offered was in the original chairman's mark which was then stripped out at the subcommittee level, so I obviously support the amendment of the Senator from North Carolina.

One of the thoughts that my friend from Vermont and I were discussing is the possibility of a hour and half, or a 2-hour time agreement on the amendment, if that is acceptable to the Senator from North Carolina. That would give Senators notice that there would be a vote at a time certain in a couple of hours from now.

I am curious. I would ask Senator LEAHY if he has any feeling about the appropriateness of such time agreement.

Mr. LEAHY. Mr. President, I strongly support it if we are ever going to finish this bill in our lifetime. I understand one Senator is not on the floor, and he would be on the floor in about a minute or two.

I would suggest this, that we go off this amendment for about 3 minutes, bring back the Bingaman amendment during that time, and then 3 minutes from now go back to the Senator from North Carolina.

Mr. President, I ask unanimous consent that we go off the pending amendment, go back to the Bingaman amendment, and I assure my colleague I will be asking that we go back to the Helms amendment in a matter of 3 or 4 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. On the Helms amendment?

Mr. HELMS. Yes.

The PRESIDING OFFICER. Is there objection to the request? Hearing no objection, is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair. I thank the managers.

Mr. BINGAMAN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Chair informs the Senator from New Mexico that the pending amendment is the amendment of the Senator from New Mexico.

AMENDMENT NO. 2731 TO AMENDMENT NO. 2728

(Purpose: To allow residents of the United States to send to their immediate family members in Cuba small amounts of money to pay for basic necessities such as food, clothing, and medical care)

Mr. BINGAMAN. Mr. President, I send a second 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 New Mexico [Mr. BINGAMAN] proposes an amendment numbered 2731 to amendment No. 2728.

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

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

The amendment is as follows:

Strike all after the first word and insert the following:

SEC. . PROTECTION OF HUMANITARIAN EFFORTS.

Notwithstanding any provision of law to the contrary:

(a) FAMILY SUPPORT PAYMENTS.—Residents of the United States shall not be prohibited from sending to their parents, siblings, spouses, or children currently residing in Cuba small amounts of money (not to exceed $195 per month) to be used for the purchase of basic necessities, including food, clothing, household supplies, rent, medicines, and medical care.

(b) COMPASSIONATE TRAVEL.—Residents of the United States shall not be prohibited from traveling to Cuba for a period up to thirty (30) days to attend to a medical emergency involving, or to attend the funeral of, such resident's parent, sibling, spouse, or child.

(c) NATIONAL DISASTER RELIEF.—The United States shall not be prohibited from participating in humanitarian relief efforts of multilateral organizations of which the United States is a member, where such humanitarian relief efforts are made in the aftermath of a natural disaster on the island of Cuba.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

Mr. LEAHY. Mr. President, I ask unanimous consent that we temporarily lay aside the Bingaman amendment and that we go back to the Helms amendment we were discussing just a moment ago.

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

Mr. McCONNELL. Mr. President, what I was going to suggest, subject to the approval of the other side, is that we schedule the vote on the Helms amendment for 6:30.

Would that work?

Mr. BINGAMAN. Mr. President, reserving the right to object, would it be possible in that same unanimous-consent agreement to have a provision for a vote on the second-degree amendment that I just offered giving sufficient time for debate?

Mr. McCONNELL. I say to my friend from New Mexico, we are still trying to get the input from one Senator on his amendment now as amended. So at this particular moment I think that would not be possible.

Mr. BINGAMAN. I will not object, Mr. President.

Mr. LEAHY. Mr. President, I have absolutely no objection. In fact, I think it would be a good idea to have the vote on the Helms amendment in an hour and a half, with the time equally divided under control of the managers.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the vote on the Helms amendment occur at 6:30 and that the time on the amendment be equally divided in the usual fashion.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2730

Mr. LEAHY. Mr. President, I yield 15 minutes from the side in opposition to the distinguished Senator from Wisconsin [Mr. FEINGOLD].

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 15 minutes.

Mr. FEINGOLD. Thank you, Mr. President. I thank the manager very much for the 15 minutes in order to oppose the Helms amendment on UNFPA and to support the committee language on population and abortion.

Everyone understands that this is the same debate we had in the Senate Foreign Relations Committee this summer, when the committee voted by a decisive 11–5 vote to authorize $35 million in funding for UNFPA.

The UNFPA is the world's leading family planning agency, with approximately one-third of all population assistance to developing countries channeled through it.

It provides funds and training for maternal and child health care, family planning devices, and technical assistance for population programs.

UNFPA, by its own mandate, is not involved in abortions or abortion-related services. It is family planning agency.

So, this is a debate on population. It should not be a debate on abortion.

That is why the amendment by the Senator from North Carolina demonstrates a fundamental misunderstanding of what the UNFPA does, and will do nothing to end the horrific practice of coercive abortion.

Nowhere in the world—including China does the UNFPA involve itself with abortion policy or the delivery of abortion and abortion-related services. Indeed, if I believed that UNFPA or any U.S. Government program was being used to support coercive abortion, I would vehemently object.

Like the chairman, I too, am the father of two daughters and am horrified by the Chinese policies on baby girls. To insinuate that anyone in this body supports such a practice is really disingenuous.

That is one of the reasons I introduced legislation with the chairman to revoke most-favored-nation status for China. I believe it should be at the forefront of our human rights agenda with China.

It should be an issue at bilateral and multilateral fora;

It should be linked to benefits, such as MFN, which the Chinese desire;

It should be a subject for the U.N. Commission on Human Rights;

And it should be an issue for foreign corporations in China as they are sincerely interested in improving the quality of life for their Chinese employees.

But withdrawing from the UNFPA would do nothing to combat coercive abortion because UNFPA is not involved in the policy, and current law governing the United States contribution to UNFPA wholly separates United States funds from being used in China altogether.

That law was reaffirmed by a strong, bipartisan 11–5 vote in the Senate Foreign Relations Committee last month when we debated the UNFPA issue in an amendment to the foreign aid authorization bill.

Current law not only explicitly prohibits United States funds from being used in UNFPA's China program, it also mandates that UNFPA must hold United States funds in separate accounts to ensure that they are not comingled with other moneys which may be supporting family planning services in China.

Our provisions also require that the administration certify that China is receiving only the $7 million which the UNFPA 5-year plan allocates. Under current law, if the report shows that UNFPA invests more than $7 million in China, then the United States contribution to UNFPA will be deducted by that proportional amount, so there is no way that additional funds from the United States can be put in in this way.

Mr. President, we will do more to influence the China program if we stay involved with UNFPA. The current program ends in December 1995. If we are not contributors to UNFPA, then we will not be at the table at the end of the year to help decide if and how this organization will work in China. That is certainly no way to stop coercive abortion.

Further, if we withdraw, we will pull no other country with us. Let me remind my colleagues that when the United States withdrew from UNFPA in 1984, not one single other country joined in our boycott. In any event, it makes no sense to withdraw from this organization since it is in fact exactly the services performed by UNFPA that make abortion less likely and less frequent.

Let us talk about that for a minute. Let us talk about the threat of overpopulation to our national security interests and what UNFPA and global population programs are doing to address it. The world population is exploding. From 1800 to 1930, our planet grew from 1 to 2 billion people. Today, we are up to 5 to 6 billion people, with 1 million born every 96 hours. At this rate, we will have quadrupled our population by the end of this century.

Overpopulation hampers economic development, harms world health standards, threatens food security. It stresses the environment, it harms the status of women, and it often forces dangerous migration and refugee patterns. These are among the most serious threats in the 21st century. We must be able to use the achievements of the 20th century; namely, family planning, to counter them. With the UNFPA in the lead, contraceptive use worldwide has quintupled in the past 20 years while the average family size has been halved. Yet, according to the World Health Organization, approximately 350 million couples still completely lack access to family planning services and information.

Mr. President, population will be the key to whether improved economic policies succeed; whether we will coexist with our environment or deplete it; and whether political crises become large-scale humanitarian disasters or not.

There are fortunately, Mr. President, many success stories to illustrate this point.

The so-called Asian Tiger economies—Indonesia, Malaysia, and Thailand—have been very successful in family planning programs, and they have been put together with assistance from UNFPA.

I have also visited, Mr. President, a family planning clinic in Tunisia which has one of the most successful programs in the world. It is also a country which is fast modernizing and developing a strong middle class. In my view, there is no coincidence that the economies of these countries are doing so well. There is no coincidence that the role of women in these societies is improving. Like human rights, global population concerns are U.S. national concerns.

Let me say again, while I share the outrage of the Senator from North Carolina about China's abortion policy, I believe that it makes no sense to sacrifice UNFPA for China's abortion policy in which that organization plays no role. If we can focus on what the real issue is here, I think my colleagues will be persuaded that a U.S. contribution to the UNFPA is clearly in our national interest and does not contradict our national values.

Mr. President, this amendment really spawns a false debate, and I urge the Senate to follow both the Foreign Relations Committee and also the Appropriations Committee and to defeat it.

I thank the Chair and yield the remainder of whatever time I have back to the manager. I yield the floor.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I thank the Chair.

The PRESIDING OFFICER. The Senator from Washington is informed that time is controlled. Does she wish to ask unanimous consent to take a certain amount of time from the Senator from Vermont?

Mrs. MURRAY. How much time remains on our side?

The PRESIDING OFFICER. There are 43 minutes and 7 seconds.

Mrs. MURRAY. Will the Senator from Vermont yield 10 minutes?

I thank the Senator.

The PRESIDING OFFICER. Without objection, the Senator from Washington has 10 minutes.

Mrs. MURRAY. I thank the Chair.

Mr. President, I rise in support of the committee position on funding for international family planning programs and against the Helms amendment to cut and restrict family planning aid.

The Helms amendment before us today is a wolf in sheep's clothing. It pretends to be antiabortion but in fact it is antifamily planning and does not

effect the question of abortion funding at all.

In addition, the Helms amendment pretends to address the horrendous problem of forced abortions in the People's Republic of China, ostensibly trying to solve that terrible problem by denying United States support for the U.N. Population Fund.

Mr. President, the debate surrounding UNFPA began over a decade ago during the Reagan administration. Foes of UNFPA claimed then, as they do today, that the United States should withdraw support for UNFPA because of the fund's presence in China where there have been persistent reports of government sanctioned forced abortions.

There is no question that the Chinese do many things that I abhor. Forcing women to have abortions or forcing individuals to undergo sterilization is a gross violation of human rights and should be condemned by our Government at the highest levels.

Likewise, the killing of female infants in China is widespread in the country and appears to often go unpunished by Chinese officials. But it would be illogical—and counterproductive—for the United States to pull out of those international agencies that give aid to children in China because of the horrific practice of female infanticide that plagues that nation.

So why should we ask this organization to carry the sins of China on its shoulders when it comes to the question of family planning? The facts have never supported this approach. When the question of UNFPA funding was first debated during the Reagan administration, officials under President Reagan investigated the issue and found, and I quote from an AID document from that time, "that UNFPA is a benevolent factor in China which works to decrease the incidence of coercive abortion" in China by providing effective family planning services.

That same Reagan administration investigation found absolutely no evidence that the UNFPA participated in or supported in any way China's coercive family planning practices. Sadly, caught up in the pro-life politics of the time, UNFPA was nonetheless defunded by President Reagan. President Clinton has since resumed U.S. support for this agency and therein lie the roots of today's debate. Through all of this, however, the facts have been clear, that UNFPA has been part of the solution in China by helping to reduce the incidence of abortion in that country and others by providing high-quality voluntary family planning services. UNFPA's goal is to eliminate the need for abortions. They do so by providing maternal and child health care and voluntary family planning services. These are the kinds of programs that are unquestionably the most effective means of preventing abortion. And the majority of UNFPA's assistance goes toward projects in these areas. Ironically, by denying support to this most effective international family planning agency, the Helms amendment might well have the unintended effect of increasing the incidence of abortion in China.

As has been pointed out by others during this debate, the committee bill before us continues the longstanding policy of banning the use of U.S. funds for abortions overseas. That ban, commonly known as the Helms amendment, has been part of the permanent foreign aid statutes since 1973 and remains unchanged in the committee's bill.

In addition, the bill prohibits the use of U.S. funds for abortion lobbying.

So the real question facing the Senate today is this: The committee bill is already stringently antiabortion, but by disqualifying one of the most tried and true family planning organizations from receiving U.S. support, do we really want to make this bill antifamily planning as well?

Let me take a minute to review for my colleagues the important work that is being done by UNFPA and why U.S. support for this agency is so important. The United States played a key role in establishing the UNFPA in the late 1960's, seeking to form an organization where we could work with other nations to address the problem of overpopulation. Since that time, UNFPA has become a respected and trusted source of safe and effective family planning services for women and families in poor and developing nations.

With programs in over 140 countries, UNFPA is the world's largest voluntary family planning program. The guiding philosophy behind UNFPA's work in the developing world is to invest in women. UNFPA recognizes that by investing in women, we strengthen entire communities as well as national economies. In addition to family planning services, UNFPA provides life-saving maternal health care programs.

While childbirth anywhere carries certain risks, in the developing world mothers face grave statistics. In Africa, for example, 1 out of every 21 women will die as a result of pregnancy or childbirth, making the African women 200 times more likely to die as a result of bearing her children than a European woman.

The kinds of programs provided by UNFPA can prevent many of these maternal deaths. So when we support UNFPA, we are supporting those women and families across the developing world who seek the means to space their births and avoid high-risk pregnancies.

Equally important, when we support UNFPA we are increasing the chances that child survival rates will rise across the developing world. We know that babies born in quick succession to a mother whose body is not yet recovered from her previous birth are the least likely to survive.

UNFPA programs seek to support child survival efforts and help women understand the vital link between child survival and family planning.

For the record, let me outline UNFPA's position on abortion. UNFPA does not and never has supported abortions or abortion-related services in any country it operates in. According to the UNFPA's governing council, it is "the policy of the UNFPA not to provide assistance for abortion, abortion services, or abortion-related equipment and supplies as a method of family planning."

So, as I noted in my earlier remarks, the Helms amendment will do nothing to prevent abortions in China or elsewhere, but it will prevent vital health services from being delivered to women and children in the world's poorest nations.

I urge my colleagues to remember what is really at stake here. This is a public health issue and an extremely serious one. Family planning saves lives. Experts estimate that the lives of 5.6 million children and 200,000 women could be saved every year if all the women who wanted to limit their families had access to family planning. I ask my colleagues to really think about those statistics; 5.6 million children and 200,000 women every year.

So when we debate this issue of whether to support voluntary family planning programs like UNFPA, let us keep this debate focused squarely where it belongs—on the world's young women who struggle against impossible odds to better their lives and who desperately need reproductive health care services. Let us keep this debate squarely focused on young mothers around the world who have small children or babies and need family planning assistance to ensure that they do not become pregnant again too quickly and endangering their own lives and that of their babies and young children. Let us keep this debate squarely focused on thousands of women in poor nations who, lacking access to reproductive health care, resort to self-induced abortions and too often tragically lose their lives. Experts estimate at least 500,000 women will die from pregnancy-related causes, roughly 200,000 from illegal abortions which are prevented when women have family planning services.

The issue of refunding the UNFPA came before Congress again and again when Presidents Bush and Reagan were in office. Congress repeatedly voted for the United States to resume funding. So let us move on to the task of ensuring that women in the developing world have access to the kinds of reproductive health services they deserve, the kinds of services that will save their lives and the lives of their children.

In closing, Mr. President, I urge my colleagues to remember that this is a public health issue and an extremely serious one. We should reject the Helms amendment and vote in support of women and children across our globe. I thank you and I yield the floor.

The PRESIDING OFFICER (Mr. ABRAHAM). Who yields time?

Mr. LEAHY. Mr. President, how much time is remaining for those in opposition to the amendment?

The PRESIDING OFFICER. You have 32 minutes 30 seconds.

Mr. LEAHY. Mr. President, I yield myself such time as I may require.

Mr. President, I strongly oppose this amendment. What it does is it reverses the action taken by the subcommittee in legislation that was then in the full bill as reported out of the full committee.

By a vote of 8–5 the Foreign Operations Subcommittee passed my amendment to strike the kind of restrictions imposed by the House and proposed in this amendment that were in the bill that came before the Foreign Operations Subcommittee. I moved to strike the House language, taking the same position as the distinguished Senator from Washington, and before her, the distinguished Senator from Wisconsin. The Foreign Operations Subcommittee approved of my amendment. And that is the condition we are in now.

When you look at what we have done, the bill simply continues current law and practice. We are not asking for anything radically different. This is what we have always done. At a time when support for voluntary family planning programs and women's reproductive health is growing around the world, it would be foolhardy for the United States to once again, as we did in the early 1980's, surrender our leadership in this area.

This bill has the same prohibition on funding for abortion that we have had for years. Now, I have listened to some speaking around this Chamber. I want to make sure everybody understands. No funds in this bill can be used for abortion. It is not just the case that there is not any money in there for abortion; there is an explicit prohibition against money being used for abortion. So, basically, we are putting up a straw person to knock down here.

And then the question is, what might happen in China? No funds in this bill can be used in China. None, nada, neant, rien.

So what is the problem? The whole point of the program in this bill is to promote contraceptive and other alternatives to abortion—alternatives to abortion. We are trying to have alternatives to abortion. We say none of the money can be used for abortion and none of the money can be used in China where they have forced abortions, and, instead, the money can be used for alternatives to abortion. We all ought to jump on board with that one. Every dollar is for voluntary family planning.

So, if you support this amendment, you are opposing voluntary family planning. If you support the amendment on the floor right now, you are against voluntary family planning. Provisions relating to the U.N. population fund would enable us to contribute to this organization, which is the largest international family planning agency in the world.

UNFPA does not fund abortions. It funds contraceptives and information, education about family planning in 140 countries. It is absolutely vital that the United States play a leading role in this agency, especially when the decisions we make today will determine if the world's population doubles or triples.

Can you imagine what this bill would look like, the overall foreign aid bill here, if the world population doubled or tripled?

That is not our population of the United States, that is the rest of the world, most of it in the area where we have the gravest concerns in this bill.

The bill does not earmark funding for UNFPA, but it would permit up to $35 million for UNFPA, which even in the unlikely possibility that that amount is available, is still $15 million below last year's level, and it contains all the restrictions on our contributions. There is an explicit prohibition against using U.S. funds in China, despite the fact UNFPA's program in China promotes voluntary family planning and human rights.

Let us not go backward in this bill, not when so many governments are finally seeking help in limiting the growth of their own population growth. Many of these countries are already impoverished, and the poverty increases because the population grows. We have the technology, the expertise, and we ought to help.

This amendment would require UNFPA to withdraw from China. That is not a decision UNFPA can do, nor can we pass a law to require it to do. It is a decision of its governing board. It is made up of donor governments and a large majority support UNFPA's program in China. By attaching a requirement that UNFPA cannot meet, we cut off funding in 139 other countries.

There is no money for abortion, no money for China. There is no reason to vote for this amendment, unless somehow you are against voluntary family planning altogether. If you have that attitude, then I guess there is nothing I can say.

I ask unanimous consent that a letter from Stirling Scruggs, the chief of information at UNFPA, be printed in the RECORD.

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

UNITED NATIONS POPULATION FUND,
July 26, 1995.

Senator PATRICK LEAHY,
Senate Russell Building,
Washington, DC.

DEAR SENATOR LEAHY: It has just come to my attention that on June 28, 1995 during a debate on the House floor, Representative Chris Smith quoted Dr. Sadik, Executive Director of UNFPA, "China has every reason to feel proud of and pleased with its remarkable achievements made in its family planning policy and control of its population growth over the past 10 years. Now the country could offer its experiences and special experts to help other countries." Senator Jesse Helms used the same quote in the Senate Foreign Relations Committee Report accompanying S-961.

I believe this quote comes from China Daily, an English language newspaper published in Beijing. I was with Dr. Sadik when she was interviewed for this article in 1991. This article was a terrible distortion of what she actually said. Dr. Sadik did say that China should be proud of its record of improving women's and children's health since 1949. She commended China's continuing efforts to improve maternal and child health by discussing a joint UNFPA and UNICEF project in 300 poor counties in China that especially focuses on improving children's health through training and supplies for treatment of acute respiratory infection and diarrhea, promotion of prenatal care and nutrition, breast-feeding, assisted deliveries and family planning that assured several contraceptive choices and informed consent. She went on to say that this project was a model that could be replicated in other countries.

I have no idea why Dr. Sadik was misquoted. I tried unsuccessfully at the time to secure a retraction from China Daily. I remember during her visit being very proud of Dr. Sadik's tenacity and courage and my disappointment with the China Daily article which was not only wrong, but contradictory of her real position.

In fact, during this trip, Dr. Sadik attended a series of meetings that included: the Ministers of Family Planning and Health, the Head of the People's Congress and several of his colleagues and the General Secretary of the Communist Party of China. During these meetings she was very critical of new laws in several provinces requiring sterilization of the mentally retarded. She also successfully negotiated projects designed to increase training for informed consent and voluntary participation in family planning, and research that would examine the safety and efficacy of the Chinese steel ring IUD. The first project, currently ongoing, provides interpersonal counseling training and promotes contraceptive choice for grass-roots family planning workers in several provinces. The second resulted in a Chinese ban on steel ring IUD's in favor of copper based IUD's which in ten years will prevent 35.6 million abortions. It would also prevent 16,300 maternal deaths; 365,000 potential infant and 28,000 potential child deaths.

For 3½ years I served as UNFPA's Country Director in China. I know first hand what we did and said in China and I can tell you that the way we are frequently portrayed, such as in the statement in question, is absolutely and unequivocally untrue.

UNFPA has always represented international norms and human rights standards as articulated in several U.N. documents including the Universal Declaration of Human Rights, the World Population Plan of Action

and the Programme of Action of the International Conference on Population and Development. For example, Chapter VII, para. 12 of the Programme of Action which states ". . . the principle of informed free choice is essential to the long-term success of family-planning programmes; that any form of coercion has no part of play, that governmental goals or family planning should be defined in terms of unmet needs for information and services; and that demographic goals, while legitimately the subject of government development strategies, should not be imposed on family-planning providers in the form of targets or quotas for the recruitment of clients".

In particular, Dr. Sadik has been a champion of human rights, women's equality and reproductive rights. In the 14 years I have known her, I have never heard her use the phrase "population control."

We deeply appreciate your past and continuing support and hope you can help set the record straight regarding the quote used by Representative SMITH and Senator HELMS.

Sincerely,

STIRLING D. SCRUGGS,
Chief, Information and External Relations Division.

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

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Twenty-six minutes.

Who yields time?

Ms. MIKULSKI. Mr. President, I rise in opposition to the Helms amendment to end U.S. participation in the United Nations Population Fund, UNFPA. It will have a disastrous effect on women's health. It would weaken the most effective organization we have for delivering family planning services to the world's poorest women. And it ignores the fact the United States funds are not used for abortions and are not used in China.

Over 100 million women throughout the world cannot obtain or are not using family planning because they are poor, uneducated, or lack access to care; 20 million of these women will seek unsafe abortions. Some will die, some will be disabled. Only 25 to 35 percent of women in Africa and Asia receive prenatal care. Many of these women are very young—still children themselves. When children have children, they often lose their chance of schooling, a good job, self-sufficiency.

Why is the UNFPA so important? Because it has the infrastructure, the expertise, and the personnel to be the most effective program for providing family planning services around the world. It specializes—it does nothing but provide family planning and maternal and child health. And it is in 140 countries—whereas U.S. bilateral programs are only in 56 countries. At a time when foreign aid is being cut to the bone—UNFPA makes the most use of scarce U.S. foreign aid dollars.

We should be clear about what is in the bill—and what isn't. There is no money for abortions or abortion lobbying. Federal funds cannot be used to fund abortions—this bill retains this prohibition. That is why opponents of this amendment include Senators who strongly oppose abortion—because they know that effective family planning actually reduces abortions.

There is no money for China in this bill. We all agree that coerced abortions and sterilization are despicable. That is why no United States funds may be spent in China now. The bill retains this policy. United States contributions to UNFPA are segregated from other UNFPA funds; none of the United States funds may be used for China; and the United States contribution would be fully refunded if any United States funds were used for China or for abortions. These provisions ensure that not one cent of United States funds can be used in China.

What is in the bill? We simply maintain current law. We continue to provide modest funding for UNFPA. Without U.S. funds—there is no U.S. influence. We would have no say on how and where international family planning services are delivered.

In this bill we seek to maintain our modest role in providing family planning to the world's poorest women. I wish we could do more to ensure that all women have access to family planning. But the bill passed by the committee ensures that we continue to do something to help the world's poorest women to control and improve their lives. I strongly urge my colleagues to oppose the Helms amendment.

Mrs. BOXER. Mr. President, I rise today in opposition to the Helms amendment, which would defund the United Nations Population Fund [UNFPA].

UNFPA is the largest internationally funded source of population assistance, directly managing one-third of the world's population assistance to developing countries. The United States was instrumental in creating the UNFPA in 1969 and until 1985 provided nearly 30 percent of its funding.

The UNFPA is the principal multilateral organization providing worldwide family planning and population assistance. Operating in over 140 countries, in the poorest and most remote regions of he world, nearly half of the UNFPA assistance is used for family planning services and maternal and child health care. Another 18 percent is allocated for related population information, education, and communication.

The fund also provides support for population data collection and analysis, demographic and socio-economic research, and population policy formulation and evaluation.

In 1993 UNFPA supported 1,560 projects in 141 countries, including 44 countries in sub-saharan Africa, 33 countries in Latin America and the Carribean, 39 countries in Asia and the Pacific, and 25 countries in the Arab States and Europe.

UNFPA programs contribute to improving the quality and safety of contraceptives, to reducing the incidence of abortion and to improving reproductive health and strengthening the status of women. These programs have saved the lives of countless women and children.

UNFPA also helps to promote male participation and responsibility in family planning programs, address adolescent reproductive health, and reach isolated rural areas with high demands for family planning services.

The Helms amendment is really just a back door assault on family planning and that is a big mistake. Experts now recognize that population is an explosive problem and the committee has responsibility recommended steps to deal with it.

This is not about China. Existing law specifically states that none of the funds made available to the UNFPA shall be made available for activities in the People's Republic of China. I strongly support this prohibition and oppose any coercive population practices around the world.

I urge my colleagues to recognize the importance of family planning and oppose the Helms amendment.

Mr. BINGAMAN. Mr. President, I rise to speak in opposition to the amendment offered by my colleague from North Carolina.

I would like to take a few moments to talk about the United Nation's population program more generally, because quite clearly, the underlying intent of the amendment is to eliminate U.S. funding for all of UNFPA's population stabilization efforts.

Mr. President, I believe direct, substantial, and long-term benefits flow to American families from our national investment in sustainable development and population efforts.

Today, as we approach the 21st century, we are facing a world that will be more economically competitive and more challenging than ever before. This is not the time to be weakening our role as the world leader in these areas.

Instead, I believe it is in the best interest of America's children and families for the Congress to reaffirm and solidify our commitment in to population stabilization, reproductive choice, and other critical health and sustainable development programs.

For the past 12 years or so, I have spent a lot of my time here in the Senate focusing on the domestic and international high tech industries. I have worked to develop strategies to strengthen the technology and manufacturing bases in this country and to secure higher-wage jobs for Americans.

I have focused on these issues because of my concern for the long-term economic viability of our Nation. I believe that to secure our economic future, the United States must be fully

equipped to compete long-term with Japan and other highly developed countries.

But at the same time, I believe we cannot have a successful economic strategy in this country if we do not devote serious attention to the economies of the developing world.

Over the past 10 years or so, growth in U.S. exports to the developing world has exploded; and today, developing countries account for about 40 percent of a growing U.S. export market.

In fact, trade with the developing world is growing at a rate that far exceeds the growth rate of U.S. exports to developed countries:

Between 1990 and 1993, U.S. exports to developed countries grew by 6.2 percent.

In 1993 alone, U.S. exports to developing countries grew more than 14 percent. Over the period between 1990-93, exports to developing countries rose nearly 50 percent—49.8 percent.

In terms of dollars, Latin America is a good example. In Latin America, United States exports rose by nearly $30 billion between 1989 and 1993—from $44 billion to $71 billion—representing a 61-percent gain.

I believe a significant factor in this growth has been the modest U.S. commitment to development and population assistance in the developing countries. Thailand, Costa Rica, Mexico are examples of countries in which a small United States investment in population and development assistance has repaid itself many times over in increased trade opportunities.

It is in our economic interest to continue support for UNFPA. The concerns raised by the Senator from North Carolina are addressed under current law and in the bill before the Senate today.

I urge my colleagues to reject this amendment.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time run equally.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MCCONNELL. Mr. President, there is currently laid aside an amendment which is in the second degree, I believe, by the Senator from New Mexico, Senator BINGAMAN. I ask unanimous consent that a vote on or in relation to the Bingaman amendment occur immediately at the end of the currently scheduled vote at 6:30, and that the duration of time on that vote to immediately follow the Helms amendment be 10 minutes.

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

Mr. LEAHY. Mr. President, the distinguished Senator from Maine is on the floor and wishes to speak. I ask her how much time she would like.

Ms. SNOWE. About 8 minutes.

Mr. LEAHY. I yield 8 minutes to the distinguished Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I want to thank the Senator from Vermont for yielding me time. I certainly want to express my position on this issue with respect to international family planning and the amendment that was offered by Senator HELMS, because I think that this is a very important issue.

I certainly oppose the restrictions that would be placed by the Helms amendment with respect to funding for UNFPA, which has been a very effective organization in providing for family planning services throughout the developing world.

I think it is important to understand, first off, that the current law already contains strong conditions on U.S. contributions to UNFPA. For more than a decade, no United States funds provided to UNFPA have been spent in China. In addition, it requires half of the United States contribution to UNFPA to be spent after March 1 so that Congress can review the amount that UNFPA has budgeted for activities in China as reported to Congress in mid-February.

This is important because it provides us with the opportunity to ensure that UNFPA has not taken any action to increase the amount of money it spends in its programs in China so there is no direct correlation between the United States contribution to UNFPA and the amount that it provides to China.

It also will ensure, for those who have been critics of our contributions to UNFPA, that our funds are not fungible and that United States funds are used in China even indirectly. I think it is important to note that our contributions to UNFPA cannot be commingled with UNFPA's funds at all. They are maintained in separate accounts and cannot be spent on UNFPA's activities in China. I think that is important, because we want to make sure that our funds are in no way linked, No. 1, but second, to ensure we are not doing anything directly or indirectly to enhance their program activities in China.

But I think we should understand what the funding of UNFPA is not about. First of all, it is not about abortion. UNFPA has a firm policy against any involvement in abortion services advocacy.

Second, and I think we all recognize and are concerned about China's controversial population program, human rights abuses in China have continued despite, not because of, UNFPA's small presence in China. It is unfortunate this has occurred not only at the central level of Government in China but also that the abuses and the policies have been promoted by the independence of the provincial governments as well in China.

So many of the worst abuses appear to be happening at the provincial level. But I think it is essential to underscore the fact that UNFPA's presence in China is to do everything that it can to prevent those abuses from occurring.

UNFPA has had a very successful voluntary program with respect to family planning throughout the developing world. It has had a presence in more than 140 countries, and nearly half of UNFPA's support is in the area of maternal and child health care and family planning.

There are other areas, including education, population data collection and analysis and research on demographic and socioeconomic relationships. I would like to reemphasize, because it is important, that UNFPA does not provide support, nor has it ever provided a policy of support for abortions or abortion-related activities anywhere in the world.

UNFPA was established back in 1969, interestingly enough, with strong encouragement from the United States. It happens to be the largest multilateral provider of population and family planning assistance to the developing countries. Approximately one-third of all population assistance to developing countries go through UNFPA.

So it has a presence in a number of countries where it plays a very critical role. Consider the facts. According to the World Health Organization, of the 500,000 women who die each year of pregnancy-related causes, 99 percent are in the developing world. So we should be doing everything as a country to support the activities of organizations like UNFPA and what they are doing in many of these Third World countries. We should be for family planning programs. We should not be doing everything to undermine the value of family planning programs in these countries.

As a matter of fact, the United States was the leader, the forerunner in support of these family planning programs internationally. We did everything to encourage, as I said, organizations like UNFPA and IPBF to do everything that they can to support strong programs in the developing world regarding family planning programs.

So I think that it is unfortunate that, as we discuss our contributions to such valuable organizations, we are now getting it interspersed and intertwined with the abortion debate. We all have our disagreements on the issue of

abortion. But no one should be able to disagree on the issue of family planning. That is why we should be supporting such organizations, because the more they can do in providing family planning services to these countries, the more we will reduce not only the incidence of death, but of abortion as well.

So I hope that Members of the Senate will oppose the Helms amendment. We all know that rapid population growth is becoming a very critical problem. If you consider the fact that the world population is going to grow by 90 million people this year alone, this is like adding a new country the size of Nigeria to the world every year, or a city the size of New York City every month. Based on various assumptions about fertility rates, the U.N. population projections for the middle of the next century range between 8 and 12 billion people.

This rapid population growth has serious implications for global economic, and social stability. Ground water supplies are dwindling; rivers and lakes are fouled with pollutants from industries, municipalities, and agriculture. Tropical forests are being cleared at the rate of 17 million hectares a year.

Rapid population growth, especially when overlaid with sharp social or economic divisions, places great strains on political institutions. So to the extent that population pressures contribute to weakening economic and political structures, the adversely affect international stability and peace. This directly affects our own national security interests around the world.

Let us consider for a moment the benefits of population assistance, because they are substantial. A cost-benefit analysis of Thailand's family planning program, which reduced the average number of children per woman from 6 in the late 1960's to 2.1 in 1991, found that the average return on each dollar invested was estimated to be more than $7.

The PRESIDING OFFICER. The time of the Senator has expired.

Ms. SNOWE. I ask for 5 additional minutes.

Mr. LEAHY. How much time remains?

The PRESIDING OFFICER. There are 16 minutes 40 seconds remaining.

Mr. LEAHY. I know the Senator from Wyoming needs some time. How much will he need?

Mr. SIMPSON. Six minutes.

Mr. LEAHY. I yield the Senator from Maine an additional 5 minutes.

Ms. SNOWE. A similar study in Mexico concluded for every peso invested in family planning, 9 pesos are saved that would have to be spent on maternal and child health care. In Indonesia, each dollar spent on family planning will result in $12.5 of savings in public expenditures for health and education. This does not even take into account the benefits that accrue to every single person on this planet from reduced environmental trauma, reduced immigration pressures, improved standards of living, and improved social and political stability.

So I think that the benefits are clear of international family planning programs, and that is why we should not impede the ability of organizations, like UNFPA, that have done so much to enhance family planning services in the developing world.

In the 28 countries with the largest U.S.-funded family planning program, the average number of children born per family has dropped from 6 in the 1960's to 4 today, a decline of one-third. Since the 1960's, births for women in developing countries have dropped 37 percent, child mortality by 50 percent, and primary school enrollment is up by 38 percent. None of this would have been accomplished without U.S. leadership in international family planning. To forestall the still-looming world population crisis, we need to strengthen and continue our leadership and not pull away from our leadership.

So I hope that we will defeat the Helms amendment because I think we have to do everything that we can to support these services. I want to repeat, once again, that UNFPA is not involved in any of the abuses or coercive programs that have been advanced by the Government of China, or the provincial government within China. In fact, they have done everything to discourage it. It is more important that they have a presence there. But the fact is that they will, at the end of their 5 years, be reexamining their program. They are doing everything they can to reduce the abuses that are occurring in China. We should do everything that we can to assist them in the process. We have limited our contributions to UNFPA in the past. We know that our funds are not being used for UNFPA's program in China. Our appropriation process already places restrictions so that our funds are not comingled in any way with UNFPA's program in China.

So we have already in place the necessary procedures and restrictions to ensure that our money is not being used in any way, directly or indirectly, in China. So I urge my colleagues to support the committee position and oppose this amendment, so that we can continue to permit our U.S. leadership in the effort to stabilize the world's population through voluntary family planning services. We can only do this by supporting the efforts of UNFPA and the private organizations that have had a proven record of effectiveness and efficiency. We must maintain our international leadership, not just to assist the poor countries of the world that need our assistance, but, first and foremost, we need to continue our leadership in international family planning programs for our own Nation and our own future.

With that, Mr. President, I yield the remainder of my time.

Mr. LEAHY. Mr. President, I see the distinguished senior Senator from Wyoming on the floor. I yield to him 6 minutes.

Mr. SIMPSON. Mr. President, I thank the Chair. I particularly thank my friend from Maine, who has been such a stalwart worker in this area. Senator SNOWE has proven time and time again, on these issues and other issues of reproductive choice, that this issue is not about abortion. It is sad, actually, that somehow this issue of funding the U.N. Population Fund settles back on the issue of abortion. That is not so.

I support this U.S. funding. I commend my colleague from Maine and thank her for her consistency and the energy that she puts into this program and all programs of this nature. It is wonderful to have an ally like that because it has sometimes been a rather lonely venture over here on these particular issues. But you have to, in this situation, give President Clinton some credit, because during the Reagan-Bush administrations, these programs fell into disarray on the issue of abortion, which is very unfortunate.

This year, we are looking at funding levels of $35 million. I do understand where we are, obviously, with the budget. I just left a room where we will talk about how we are going to get $270 billion in savings in Medicare and some $180 billion in Medicaid. We all know what is confronting us. But I do not like to see these programs unfairly targeted. It sends a wrong message to the rest of the world. I was a congressional delegate at a conference in Cairo with Senator JOHN KERRY. There were not a great deal of our colleagues seeking passage to Egypt at that time.

I have always very much admired President Mubarak and the Government of Egypt. They gave us a remarkable convention and convocation, and I was impressed with the leadership of the Vice President in that effort as that consensus document was formed concerning maternal and child health care, strengthening family planning programs, promotion of educational opportunities for girls and women, improving the status of rights of women across the world, discussion of all issues, including contraception, fertility, and many other serious things.

Of all of the challenges that face the country—and, boy, there are plenty of them all around the world—none compares to the increasing of the population of the Earth. Every single effort we use or try to do here to protect the environment, promote economic development, jobs, everything is compromised and severely injured by the staggering growth in the world's population.

I hope we realize that there are currently 5.7 billion people on the Earth, and in 1950, when I was a freshman at the University of Wyoming, not that long ago, there were 2.5 billion people on the face of the Earth. Mr. President, 2.5 billion in 1950; 5.7 billion today.

Where do we think we are going if current birth and death rates continue? The world's population will again double in 40 years. We will not have to worry about methane gas from cows and how much propellant there is in a shaving cream can. There will not be anything left of the Earth. It will be totally overpopulated.

Then what happens to the babies, the old, and the people we all talk about all day who have not enough to sustain them. Civilizations have gone down in that fashion in years past.

Here we are again, this same issue. I think we should show our support here. The fund is supported entirely by voluntary contributions, not by the U.N.'s regular budget. There are donors ready to assist, budget has been cut back, and it would be a real shame if the United States were to back away from its commitment to the world's largest source of multilateral assistance for population programs.

This is subject to all the restrictions in the past, as Senator SNOWE has said. These restrictions are already in place to address concerns about U.S. funds being spent in China. Under current appropriations law, foreign aid funding is denied to any organization or program that supports or participates in the management of a program of coerced abortion or involuntary sterilization in any country. That is in the law.

Furthermore, current appropriation law assures that none of the United States contribution to this program may be used in China. The United States is not funding any of the population activities of China. The U.N. Population Fund does not fund abortions or support coercive activities. UNFPA funds go toward family planning services and maternal and child health care across the developing world.

No U.S. funds may be commingled with any other of these U.N. funds, and numerous penalties exist in the law for any violation of the requirement.

For those reasons, I strongly oppose the pending amendment introduced by the Senator from North Carolina to require the United States to stop funding this program unless the fund withdraws from China.

I have serious concerns about China, its abortion policy, its coercion in that area, but forcing the U.N. population fund to withdraw from China will not affect that policy. In fact, without the careful monitoring that the fund performs, conditions in China will just simply get much worse.

The world and the United States cannot turn its back on what is currently going on in China. We certainly cannot turn our back on the necessity of these funds for the rest of the world, for the sake of humanity.

I thank the Chair.

Mr. LEAHY. How much time is remaining?

The PRESIDING OFFICER. On your side 6 minutes 20 seconds, and the other side has 49 minutes.

Mr. MCCONNELL. I believe under the unanimous consent agreement, time runs equally charged, is that right?

I suggest the absence of a quorum, and I ask that the time be equally charged.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. MCCONNELL. Mr. President, I am told that Senator LEAHY is controlling the time on the other side and is more than happy to yield at least 3 minutes to the Senator from Vermont.

Mr. JEFFORDS. Mr. President, there are few issues that bear more directly on the future of the globe, and on our own health and way of living, than population growth. If the world's population continues to grow at the current rate, our prosperity and the potential for prosperity in much of the developing world are at grave risk. And if we are slow in stepping up to the challenge of controlling population growth, then it just might be too late.

Experience has proven that it does not take a lot of money to have a large effect upon population growth. However, it does take efficient programming, consistency, and a commitment for the long term. The U.S. Agency for International Development runs the premier bilateral family planning program, and UNFPA runs the largest and most effective multilateral program.

I am troubled by certain aspects of this debate. For many years we have hashed over the issue of what kind of conditions we should place on organizations that receive U.S. population assistance. A majority of this body repeatedly spoke up in opposition to imposing stricter conditions upon family planning activities overseas than we impose on U.S. organizations receiving family planning funding at home. This policy seemed to be clearly in our best interest and was certainly the most effective way of supporting the best international family planning programs. We thought that debate had been settled. Yet here we are again.

Mr. President, I do not think a lot has changed in the rest of the world since we last revisited this issue. Our family planning assistance is still urgently needed. UNFPA is still the premier international family planning organization. And it is still in our best interest to cooperate with those groups which are doing the best work. Imposing stringent conditions upon our assistance will merely undercut our own long-term goal—which is to prevent unchecked growth of the world's population from robbing all of us of the opportunity to give our children a better future.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Kentucky.

Mr. MCCONNELL. Is the Senator from Kentucky correct that the time will be charged equally to both sides if there is an absence of a quorum suggested?

The PRESIDING OFFICER. That will require unanimous consent.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that during the quorum call time be equally charged to both sides, and I suggest the absence of a quorum.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MCCONNELL. Mr. President, and Members of the Senate, the situation is this: Senator KERRY is now on the floor prepared to offer an amendment. It will be our intention to debate the Kerry amendment between now and the first vote at 6:30 and then stack the vote on the Kerry amendment. All Senators should be aware that in all likelihood there will now be three votes beginning at 6:30.

I see Senator KERRY is here. I am certain that he will shortly send his amendment to the desk.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Thank you, Mr. President.

AMENDMENT NO. 2732 AND AMENDMENT NO. 2733

Mr. KERRY. Mr. President, I send two amendments to the desk and ask for their consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts (Mr. KERRY) proposes amendments numbered 2732 and 2733.

Mr. KERRY. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 2732

On page 26 of the bill, strike lines 4 through 22.

AMENDMENT NO. 2733

On page 29 of the bill, strike the word "Appropriations:" on line 17 and all that follows it on that page and insert in lieu thereof: "Appropriations.".

Mr. KERRY. Mr. President, these two amendments are in sequence. They amend two different committee amendments but they go to the same issue. Obviously, if the first one fails, on a vote, I will be happy to have a voice vote sequentially on the other.

This amendment is an amendment to the bill in order to strike earmarks that designate a total of $23.7 million which is taken from the Department of State's budget for international narcotics control and anticrime assistance, and it is transferred to the Federal Bureau of Investigation. And in one case, a small amount of money transfers to the Secret Service.

In my judgment—and particularly in the judgment, more importantly, of both the Justice Department and the State Department—this earmark has a number of problems. First, it appears to be a very significant back-door funding of the FBI going around the normal appropriations process of the Senate in order to obtain from the foreign operations bill what it could not obtain from its own appropriations bill.

It is my understanding that Senator HOLLINGS advised the FBI very directly that he wanted the FBI, and the committee wanted the FBI, to concentrate first on its efforts of crime fighting here at home in the United States, and that, while foreign crime fighting is important, he did not think they ought to place their principal thrust on operations so far away from home.

So when the FBI asked for money and in its own budget placed agents abroad, the subcommittee looked at those requests and decided not to give the FBI that money that it wanted. The FBI now has come back through a different appropriations bill and received an earmark taken out of the State Department's appropriations.

I believe—again more importantly the Justice Department and the State Department believe—that this back-door approach creates a lot of difficulties. It is not simply that both the Departments of State and Justice oppose it, but the FBI's earmark takes funds not just from the State Department it winds up taking money from every other U.S. law enforcement agency engaged in fighting crime abroad. It takes money from the Drug Enforcement Administration. It takes money from the U.S. Customs. It takes money from the Financial Enforcement Center of the Treasury Department, from the Internal Revenue Service, from the Secret Service, and from diplomatic security.

The result is that the money that is grabbed here by the FBI in this earmark outside of its own appropriations bill would shut down operations and training programs that the United States has placed in a number of different countries and which link up all of these law enforcement agencies, each of which are operating as part of a team.

What this earmark does is destroys the team, eliminates the training programs, and winds up plunking the money down in the hands of the FBI, when the committee that has jurisdiction over the FBI said we do not want to do that.

Let me tell you some of the programs that will be lost by virtue of this earmark, this very special earmark for the FBI. We would lose the training program in Byelarus by the U.S. Customs for enforcing limits on contraband which help our own customs here at home make cases involving smuggling out of Byelarus.

We would lose the funding for the Newly Independent States by the IRS which is specifically trying to fight the multibillion-dollar problem of money laundering. There would be no more cases made as a result of the relationship which we would lose from that money.

We would lose the training by the Secret Service in computer crime investigations in the former Soviet Union, and there would be no further crime computer tips to the Secret Service or its counterparts in Russia or the Ukraine because the Secret Service would be taken out of that linkage altogether.

In addition, there would be no further training in Russia in postblast investigation of the kind that was needed to figure out who shot at the embassy the other day. Maybe the FBI can do this on its own. But the fact is that if they cannot, you will have cut off the assistance of those other agencies that currently exist.

We would lose the training program of people in the former Soviet Union or Central Europe that deals with fraudulent passports, visas, travel documents. This is not a specialty of the FBI—never has been a specialty of the FBI. It is a specialty of the State Department diplomatic service and their programs will be robbed of money because of this earmark.

We would lose the antidrug training by the DEA in Byelarus, Georgia, Kazakhstan, Ukraine, Turkmenistan, and Uzbekistan.

We will lose the training with the Hungarian police to develop witness protection programs that would help the United States to fight organized crime, and we would shut down the airport interdiction program that we currently have in Budapest which is conducted by the DEA. The Baltics would lose their drug enforcement programs. We would lose the training in dealing with fraudulent travel documents. We would see a shutdown of our courses and training in Central European law enforcement agencies on how to deal with gunrunners and also with the information sharing that we have currently set up with our own law enforcement agencies.

In Poland, we would lose the efforts to combat economic crime and counterfeiting, activities that threaten United States citizens and particularly our businesses and our currency.

We would have to shut down the advance counterfeit investigations that our Secret Service is currently engaged in with the Polish Government. And we would have to shut down our postblast training in Poland as well as our microcomputer training.

In Rumania, we would lose the combating of economic fraud and counterfeiting as well as the postblast training taking place there, and we would lose the United States capacity currently developed against the use in Rumania of fraudulent visas and passports.

In summary, Mr. President, if the FBI gets this money earmarked at the expense of the State Department that currently metes out this money to these various activities, we would be shutting out these other agencies, unless the FBI decided out of their good will to somehow bring them in and parcel it out. You would lose many of these relationships throughout Central Europe and the Baltics in order simply to augment FBI agents' incapacity. In some cases, this earmark would actually provide money to the FBI that they have never even requested. For example, the Bureau has never asked to maintain offices in Kazakhstan, and according to the Department of State there currently is not a lot of work there for the FBI to do even though they have other specialized efforts that they want to perform in Kazakhstan.

In addition, Mr. President, because of the structure, the way each of these entities work in another country, it is entirely possible that even with this earmarking the FBI would not be able to put the money to use because the Ambassador in the country could decide that the Ambassador does not want those moneys used or those people positioned, and the Ambassador, as the personal representative of the executive in a foreign country, has the right to determine what entities will be based in a country. That is why these efforts are coordinated out of the State Department in the first place.

What that means is that if the FBI wants to have someone abroad and the Ambassador does not believe it is a good idea for that person to be there, given the underlying political situation, the FBI is not permitted to base somebody there.

So here we are taking the money away from the people who have the right to decide who is going to be there doing it, and you might in effect wind up not only cutting the money from the people who are there now that the

Ambassadors want to have use it, but you might give it to somebody who in effect the Ambassador would decide they did not want to have use it. There are all kinds of political reasons why an Ambassador in some country might not want the fabled FBI involving itself in some of the activities of a particular country.

It seems to me there are a series of problems raised by this. The political situation in a particular country or certain forces in a particular country might well want to use the FBI presence in that country to raise political issues such as leaking information for political purposes, and it would hardly be advantageous to the United States to have the FBI conceivably become used or involved in those kinds of activities.

Those are kinds of things the DEA, CIA, or a host of other agencies have used before and they are best left under the control of our Ambassadors, under the control of our executive.

I might add that neither the Justice Department nor the Treasury Department believe this is a good idea, and I do not believe that it is a wise idea for the Senate to end run Cabinet Secretaries and other entities and go to a subagency and wind up funding it through the back door of a whole different department's arena.

Mr. President, I will reserve some time here. I know my colleague wants to say a few words. We can come back and revisit it. But I really think that we should stick with the original intention of the Appropriations Committee that has jurisdiction over this issue.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Kentucky.

Mr. McCONNELL. My good friend from Massachusetts could not be more wrong. The amendment does not take $23.9 million out of the State Department; $17.1 million of the funds are drawn from the NIS account, an account we substantially increase over the House level.

The fact of the matter is, Mr. President, if we are going to continue this program, which has been extremely effective, the only way to do it is the way that we have done it in the underlying bill. The FBI—the letter from Director Freeh to me of September 18 makes the point, "The FBI does not have funding for these international training efforts in our budget. It is from the support that you and your colleagues provided last year that we were able to undertake these endeavors. Because the FBI has no separate appropriation for this purpose, we must rely upon the Department of State for grants." That was the situation last year, Mr. President.

Let me tell you what happened, Mr. President and Members of the Senate. Last year the Senate provided $30 million for this purpose. The FBI had begged for the money from the State Department. The State Department begrudgingly gave them $6 million.

In other words, the State Department does not like this project. They are against this project. The $12.6 million earmark in this underlying bill will support the International Law Enforcement Center in Budapest, as well as short-term training sessions in Poland, Estonia, Lithuania, Latvia, Kazakhstan, Moldova, the Czech Republic, Slovakia, Kyrgystan, and Slovenia. They are earmarked for the FBI but will support the DEA, BATF, Secret Service, and other law enforcement agencies working in the center in Budapest.

What is this about, Mr. President? Russian organized crime is impacting us here in this country. And if there is any provision in this foreign operations appropriations bill that directly affects us here at home, it is the efforts the FBI has been making to help the Newly Independent States begin to deal more effectively with their own criminal problem which is spilling over to our shores.

Now, some people say that foreign aid is something they have a hard time understanding. They have a hard time seeing how it has any impact here. Well, of all the items in this bill, the one that has the most direct bearing on us here at home is the efforts we are making with the Russians and with the others in that part of the world to begin to get a handle on an extraordinarily serious crime problem that is spilling over to our shores.

The reason these earmarks are necessary is because if it is left up to the State Department like it was last year, Mr. President, they will not give this program anything or very little, because they do not care about it.

This is about priorities. And what the underlying bill says is that it is a priority for us to help them do a better job of dealing with an organized criminal effort that not only adversely affects them, but adversely affects us. So the Kerry amendment is completely inappropriate, and I certainly hope that it will not be approved.

Earlier this week the Russian Ambassador was in my office, and we discussed a number of issues, including this very issue, the devastating impact that crime was having on Russia's economic and political process. And Ambassador Vorontsov lamented the fact that corruption and violence over there has reached epidemic proportion. Last Tuesday, the New York Times provided a disturbing analysis of the weaknesses of the banking sector over there.

To quote the New York Times article:

> Banking in Russia has developed a reputation as a risky business, especially for bankers who are gunned down—
>
> Gunned down—
>
> with horrifying frequency by mobsters intent on intimidation and extortion.

At the end of August, the Washington Post ran an editorial titled, "Murder Inc. in Moscow." The editorial called attention to an unusual demonstration outside the secret police headquarters. Middle-aged businessmen with briefcase and bodyguards in tow were protesting the murder of a colleague, Ivan Kivalidi. As the Post pointed out, Mr. Kivalidi, chairman of the Russian Business Round Table, was a "notable figure in the world of Russian finance; a casualty in the war now underway between the two kinds of private enterprise in Russia—the legitimate and the violently criminal."

Although a $1 million reward was offered for information on his murder, his colleagues were pessimistic.

One commented: "We have grounds to think that the police are closely related to the killings. None of the investigations of contract killings in the last year produced results."

When Prime Minister Chernomyrdin announced new tough anticrime measures, he was scorned—scorned—by the local news media. Izvestia questioned the 70 pages of crimefighting declarations already issued by the Government, and the result, they asked? "The government is unable to fight crime."

Now, everyone is impressed by the remarkable progress Russia has achieved. But as the Washington Post warns, if the crime trend continues, "Russians are going to believe that democracy means confusion and that respect for law means weakness. Uncontrollable violent crime is turning into a greater threat than any political force now on the scene."

This is not a new problem. Since our trip to Moscow in 1993, Senator LEAHY and I have repeatedly raised the crime problem. It was the principal concern expressed by the business community, our business community. Indeed, the principal impediment to expanding foreign investment over there—the principal impediment; there are plenty of impediments to Americans doing business in Russia—but the principal impediment is this: Beginning in 1993, we encouraged the administration to provide adequate funds to support legal reforms and the drafting and implementation of a tax, criminal, and commercial code.

Last year, Mr. President, we voted 100 to 0 to support this effort by earmarking resources for the FBI and for local law enforcement training. We were just beginning to see how problems in the NIS were spilling over and infecting Europe.

We were also beginning to see evidence that the 5,000 organized criminal enterprises which were strangling Russia were expanding their bank fraud, smuggling, and narcotics trafficking to United States shores.

Mr. President, Russian crime is now American crime. There are no longer borders or boundaries. The problem has swept across the ocean and arrived here at home.

In July, the FBI arrested five Russians in New York City involved in a string of international extortion and murder cases.

And extortion is not the worst of the problems we can expect. For the past 2 years, Judge Freeh has warned of the ominous rise in arrests of individuals involved in smuggling nuclear material—smuggling nuclear material, Mr. President.

Yet the administration keeps citing the need for flexibility, just as they did last year when they prevailed upon the conferees to strip out $30 million for law enforcement activities.

In the meantime, the problems have gotten worse. Crime is a serious problem. The solution requires a serious effort and investment on our part.

This spring with congressional support, the FBI opened an international law enforcement training center in Budapest. In addition, the FBI cobbled together short term, in country training programs. But those activities have been ad hoc and funded on a shoestring.

Concerned about this crazy quilt approach, I asked the FBI for an unofficial and rough estimate of the costs for several initiatives which would address our interests in the region.

Roughly $12 million is needed to sustain training, exchanges, and investigative and technical assistance both at the center in Budapest and in country. I believe these programs should be complemented by an ongoing presence of legal attaches in the region, so I have also provided funds to support legal attachés in Estonia, Ukraine, and Kazakhstan. Given the magnitude of the problem, this is really a relatively modest investment.

I ask unanimous consent to have printed in the RECORD a recent exchange of letters I had with Judge Freeh about my decision to expand the Bureau's role and an August 26, 1995, newspaper article.

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

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, DC, September 15, 1995.

Hon. MITCH MCCONNELL,
Chairman, Subcommittee on Foreign Operations, Senate Appropriations Committee.

DEAR MR. CHAIRMAN: I am writing to advise you the Departments of State and Justice are adamantly opposed to any earmarking of funding for the Federal Bureau of Investigation in the Foreign Operations, Export Financing, and Related Programs Appropriation Bill, 1996. Pursuant to those objections, I respectfully request the Committee not to use this mechanism to fund the FBI programs in question.

The programs for which this funding is being made available remain critically important and the FBI remains committed to the democratization process in Central Europe, Russia, and the New Independent States. Quite frankly, it has been through the support and commitment of people like yourself that the FBI in the past year has been able to make a significant impact in the region. As you know, in the past year, we have brought training to over 1,700 middle to upper-level police officers in their countries, at the FBI Academy in Quantico, and through innovative efforts at our newly created International Law Enforcement Academy in Budapest.

As we continue our efforts, we are hopeful that the Department of State will continue to support our efforts to confront the problems of international organized crime, drug trafficking, nuclear trafficking, and terrorism.

Sincerely yours,

LOUIS J. FREEH,
Director.

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, DC, September 18, 1995.

Hon. MITCH MCCONNELL,
Chairman, Subcommittee on Foreign Operations, Committee on Appropriations, U.S. Senate.

DEAR MR. CHAIRMAN: Thank you for your letter of this date. My view, remains that the law enforcement training initiatives we have undertaken and cop-to-cop relationship that will flow from these endeavors are absolutely essential to the long-term public safety and national security of the United States. In addition to the contributions these efforts provide toward democratization, we have seen tangible results from the joint investigations and subsequent prosecutions of international criminals made possible only because of these initiatives.

The FBI does not have funding for these international training efforts in our budget. It is from the support that you and your colleagues provided last year that we were able to undertake these endeavors. Because the FBI has no separate appropriation for this purpose, we must rely upon the Department of State for grants.

In a related issue, I understand that the Commerce, State, Justice appropriations bill for Fiscal Year 1996 would provide some funding that could be used for limited expansion of our Legal Attache program. These offices are essential in our effort to combat international crime.

I hope this information has been helpful to you.

Sincerely yours,

LOUIS J. FREEH,
Director.

U.S. SENATE,
Washington, DC, September 18, 1995.

Hon. LOUIS J. FREEH,
Director,
Federal Bureau of Investigation,
Washington, DC.

DEAR JUDGE FREEH: I have received your letter of September 15th, and appreciate the difficult circumstances you find yourself in.

As you know, I share your belief that combating the growing international crime problem is essential. I am sympathetic to the State Department's objections to earmarks but worry that eliminating this provision would deny funds to this worthwhile effort. Would the FBI be able to fund these programs without support from the Foreign Operations Appropriation Bill?

I look forward to your reply, and congratulate you on the success this initiative has enjoyed to date.

Sincerely,

MITCH MCCONNELL,
United States Senator.

[From the Washington Post, Aug. 26, 1995]

MURDER INC. IN MOSCOW

As demonstrations go in Moscow, it was decidedly unusual. The participants were middle-aged businessmen carrying briefcases, surrounded by their bodyguards, gathered near the building that houses the secret police for the purpose of protesting the murder of a banker—and calling attention to the very slight chance that justice will ever catch up with the people who did it. The victim, a man named Ivan Kivelidi, was also chairman of the Russian Business Round Table and a notable figure in the emerging world of Russian finance. He was a casualty in the war now underway between the two kinds of private enterprise in Russia—the legitimate and the violently criminal.

Mr. Kivelidi's death is important because it is typical of many in a country where racketeering has become pervasive. Anyone who hopes to see Russia develop as a prosperous democracy can only read with dread about this epidemic of killings, the great majority of which remain unsolved. If Russia's elected government cannot organize effective law enforcement, it risks being replaced by other kinds of government as public fears increase.

Russia's police and system of justice is disorganized and demoralized, frequently corrupt and generally ineffectual. The post-Soviet government has, with reason, wanted to change it from the instrument of repression that it used to be into something else. But the transformation has gotten bogged down, leaving the system uncertain and incompetent, with salaries eroded by inflation and with no consensus regarding its purpose and its powers.

If this condition continues, Russians are going to begin to believe that democracy means confusion and that respect for law means weakness. Russia is an inherently rich country, with immense natural resources and a well-educated population. In less than four years since the collapse of the Soviet Union, its private sector has grown with remarkable speed. After a sharp economic decline, a recovery now seems to be well underway.

But this promise of growth and steadily improving living conditions depends on political and social stability. Uncontrollable violent crime is turning into a greater threat to it than any political force now on the scene. That little funeral demonstration on a summer evening in Moscow, in memory of Mr. Kivelidi, was a warning. Anarchy is not a popular form of government.

Mr. MCCONNELL. On Monday, Judge Freeh wrote to advise me that the State Department and the Justice Department opposed earmarking funds for the FBI in the foreign operations bill. Frankly, he felt obliged to register their concerns. He did go on to point out, however, that congressional support last year was what was responsible for training over 1,700 middle- to upper-level police officers at Quantico and at the new center in Budapest.

I wrote back and asked Judge Freeh if these programs were important and whether they could be sustained from

existing FBI resources. And here is what he said, Mr. President.

JUDGE FREEH: My view remains that the law enforcement training initiatives we have undertaken and cop-to-cop relationships that flow from these endeavors are absolutely essential to the long-term public safety and national security of the United States.

Of this country.

In addition to the contributions these efforts provide toward democratization, we have seen tangible results from joint investigations and subsequent prosecutions of international criminals made possible only (only) because of these initiatives.

This is Judge Freeh now. "The FBI does not have the funding for these international training efforts in our budget." The recent arrests in New York provide just one more example of the joint investigations which produced concrete results protecting American interests.

No doubt some of my colleagues will want to sidetrack this important earmark into a debate about the FBI's role somewhere else. I would rather see the FBI live up to its potential, and I think that this particular amendment is absolutely essential if we are going to help achieve something not only for the Russians but ourselves in the law enforcement area.

Obviously, I hope the Kerry amendment will be defeated overwhelmingly. I think it is a very bad amendment. It obviously takes us in the wrong direction.

Mr. President, we have about 10 minutes left. I suggest we split the remaining 10 minutes.

Mr. D'AMATO. Mr. President, I might inquire of the manager of the bill for a moment——

Mr. McCONNELL. Yes.

Mr. D'AMATO. If I might have 2 minutes.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the remaining 10 minutes before the vote be divided equally.

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

Who yields time?

Mr. McCONNELL. Mr. President, I yield 4 minutes to the distinguished Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I do not intend to take all that time.

The FBI is earmarked for $12.6 million for foreign law enforcement training in the International Law Enforcement Academy in Hungary.

This earmark is essential for the security of the United States. And I say this because the FBI is training the law enforcement officers of Russia and the former Soviet Union and also Eastern Europe so that the organized crime gangs do not bring their business to the United States.

And when I say the United States, I want you to know that they are doing a thriving business in my own State of New York, in Brighton Beach, which has been called "the hub of the Russian mafia."

I am encouraged by FBI Director Louis Freeh's deep commitment to fighting Russian organized crime. His efforts have highlighted his concern for the issue and we want to support him as he has taken the clear initiative on this important front.

With these funds the FBI will be able to continue international cooperation on a level heretofore not seen in international law enforcement. The FBI will be able to provide training in organized crime and related investigative matters, forensic and other advanced investigative technological support, and continue the goodwill efforts begun last year with Director Freeh's visit to the region. Because the countries of Eastern Europe are facing the Russian crime gangs first, before they come here, this type of cooperation is vitally necessary and unprecedented in the history of law enforcement.

Presently, one of the greatest threats facing democracy in Russia and Eastern Europe today, is the rapid expansion of organized crime. The situation is so bad that organized crime literally threatens to undermine the very democracy that the United States and the West seek to protect through their assistance programs, and more so by connection, our own security.

President Yeltsin has stated that "organized crime is trying to take the country by the throat."

When one looks at the numbers, this is becoming all too clear. At the beginning of 1994, according to Russian First Deputy Minister of Internal Affairs Mikhail Yegorov, there were 5,691 organized crime groups in Russia, with over 100,000 gang members.

In addition to the number of groups operating in Russia, there are close to 100 criminal groups concentrated in 29 countries, including Germany, Italy, Poland, Hungary, the Baltic countries, Turkey, China, and 24 in the United States alone, with a concentration in my own backyard of Brighton Beach, NY.

In Brighton Beach, Russian organized crime gangs become intimately involved in gasoline-tax scams, insurance fraud, drug trafficking, forgery, and contract killings.

In addition to New York, Russian organized crime gangs operate in San Francisco, Los Angeles, Miami, Chicago. Their activities range from money laundering, illegal money transactions, control of gambling and prostitution, narcotics trafficking, and most dangerously, in 1993, 241 cases of illegal trading in nuclear material in Germany.

Worse yet, these gangs have formed connections with the Sicilian mafia and the Colombian gangs.

Additionally, it is very alarming to look at the activities of these gangs in counterfeiting U.S. Federal Reserve notes, FRN's. During fiscal year 1992, there were no counterfeit FRNs reported as appearing in Russia by either Russian or United States governmental entities. The reason for the absence of reported counterfeit United States currency activity was apparently in direct correlation to the restricted Russian-American political and economic relationship.

During fiscal year 1993, however, without any assistance directed at the detection of counterfeit United States currency, $1,049,090 in counterfeit United States currency was documented as appearing in Russia. According to law enforcement officials, this activity is apparently "only the tip of the iceberg," and the actual amount of activity would readily become more apparent when U.S. law enforcement personnel can get to the region.

If we do not begin work on solving this problem now, we are headed for a situation where crime will so inundate the region that democracy itself will become threatened and perhaps fall. If an extremist were to come to power in a backlash to a situation of near or total anarchy, we might find ourselves again threatened with confrontation with Russia. As for the other former states of the Soviet Union, they might also find themselves threatened by the resurgent nationalism these extremists espouse.

For these reasons, we must act now to stem the tide of Russian organized crime. If we do not act now, the fate of Russia and our own security will become threatened. We cannot allow this chance to stop the violence, from slipping through our hands.

If the Russian crime syndicates continue at the pace they are taking, it could cause a right-wing backlash in Russia, bringing another dictatorial leader to power, this time from the right. This situation would invariably throw the fate of democratic reform into doubt and cast the world back into the throws of the cold war.

Let me say this, Mr. President. These moneys are absolutely essential if we are going to have any success dealing with the kind of organized crime efforts that have made an incredible impact in the United States of America from abroad but yet impacting my city, the city of New York, and its people.

I have to tell you, this earmark is essential for the security of the United States, and it is being used today productively to fight crime. We have an area in New York that, unfortunately, has become a magnet for organized crime. That is in Brooklyn, Brighton Beach. I want you to know that they are doing a thriving business.

What the FBI is attempting to do is to coordinate, to train and to build the kind of relationship abroad, not only in Russia, but in other areas, so that they

have the ability to communicate, to interdict, to stop and, hopefully, stop it before it becomes so pervasive in the United States.

This money funds organized crime investigations, insurance fraud, bank fraud, murder, smuggling—and do you know where that is taking place? Not just abroad, but here. That is the impact. I cannot believe that we would want to in any way impede this very successful program for a very modest investment. It is absolutely essential that we continue. We should be doing more.

So I hope, as well-intentioned as my colleague's endeavors—and I believe them to be so; he has been a proponent of more anticrime legislation or as much as anybody. But I hope that we let the Director and let the other agencies, the Treasury Department and the DEA, have that opportunity to make an impact in saving lives, in battling crime right here in the United States of America, because that is what the impact of these funds are.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank my colleague and friend for his comments and the acknowledgement of what this Senator has done in this area. It is precisely because of that that I am here today.

It was my intention, and is my intention, to ask at the end of my comments to withdraw these amendments, but I wanted to raise this debate. My hope is that, in the days to come, there can be some further discussion in the context of the conference, and otherwise, to guarantee what is really at the heart of what this Senator is concerned about.

I do not think there is any Senator—I do not say this with any special finger pointing—but I think I have had as many hearings and as much focus in my 11 years here on international crime and organized crime as anyone in the Senate. It is my concern that what is at stake here is the capacity to control and the capacity to have oversight and an appropriate coordination. This is not a question about whether the FBI should get money. It is a question about how it ought to get the money and who will coordinate these international efforts today.

It ought to be of great concern to Senators that both the Justice Department and Treasury Department are opposed to a subagency coming in and getting funding separately outside of the Cabinet process, outside of the normal appropriations process. It ought to be of concern that the FBI wants to begin a training program in Ukraine for a model of the FBI on their own, without the oversight and input and constructive effort of all of these other agencies. This is a team effort in this country. We have always been best when law enforcement is a team effort. This represents solo flying. I respectfully suggest that we ought to be concerned about this question of control.

The fact is that the FBI has received over half of the funds available to the State Department for this purpose last year, and every single one of the FBI's request to undertake training last year was granted by the State Department. Not a single FBI request was turned down. So let us put this in its proper perspective.

But, on the other hand, I think it is the kind of issue where Senators coming to the floor and voting with the Appropriations Committee's issues the way they are, that this would be best resolved through further discussions.

My hope is the appropriate parties will engage in that effort so that we can guarantee that we are not injuring other aspects of a coordinated team effort; rather, that we are enhancing all of our capacity to fight this new and significantly increasing threat of international organized crime.

So I ask unanimous consent that I be permitted to withdraw both amendments.

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

The amendments (Nos. 2732 and 2733) were withdrawn.

Mr. McCONNELL. Mr. President, I want to thank my friend from Massachusetts for withdrawing the amendments. It has been a useful discussion.

I ask unanimous consent that immediately following the vote on the Helms amendment No. 2730, which will start momentarily, that there be 4 minutes of debate equally divided in the usual form prior to a motion to table the Bingaman amendment, upon which we will vote right after the Helms amendment.

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

VOTE ON AMENDMENT NO. 2730

The PRESIDING OFFICER. The hour of 6:30 having arrived, under the previous order, the question is on agreeing to the Helms amendment No. 2730.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The legislative clerk proceeded to call the roll. The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 57, as follows:

[Rollcall Vote No. 456 Leg.]

YEAS—43

Abraham	Craig	Grassley
Ashcroft	D'Amato	Gregg
Bennett	DeWine	Hatch
Biden	Dole	Heflin
Bond	Domenici	Helms
Breaux	Faircloth	Hutchison
Burns	Frist	Inhofe
Coats	Gorton	Kempthorne
Cochran	Gramm	Kyl
Coverdell	Grams	Lott
Lugar	Nickles	Thompson
Mack	Pressler	Thurmond
McCain	Santorum	Warner
McConnell	Shelby	
Murkowski	Smith	

NAYS—57

Akaka	Ford	Moseley-Braun
Baucus	Glenn	Moynihan
Bingaman	Graham	Murray
Boxer	Harkin	Nunn
Bradley	Hatfield	Packwood
Brown	Hollings	Pell
Bryan	Inouye	Pryor
Bumpers	Jeffords	Reid
Byrd	Johnston	Robb
Campbell	Kassebaum	Rockefeller
Chafee	Kennedy	Roth
Cohen	Kerrey	Sarbanes
Conrad	Kerry	Simon
Daschle	Kohl	Simpson
Dodd	Lautenberg	Snowe
Dorgan	Leahy	Specter
Exon	Levin	Stevens
Feingold	Lieberman	Thomas
Feinstein	Mikulski	Wellstone

So the amendment (No. 2730) was rejected.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, I am going to yield the floor. I hope the Senator from New Mexico would seek recognition.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I am informed by the managers of the bill that it would be more appropriate to offer this as an amendment to the State, Justice, Commerce bill which is scheduled for consideration next week.

For that reason, I withdraw the amendment at this time.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment is withdrawn.

Mr. LEAHY. Mr. President, I have been discussing this with the distinguished chairman.

Mr. FORD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator will please suspend. The Senate is not in order.

Mr. LEAHY. I yield to the Senator from Kentucky.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, and Members of the Senate, where we are we have one more amendment upon which we will be voting, a motion to table very shortly, the Helms amendment. And in all likelihood the only additional vote will be final passage. There is one other amendment we are still working on. So there could possibly be two rollcall votes plus final passage; but in all likelihood one rollcall on an amendment, a tabling motion, and then final passage. So we are very, very close to finishing the bill.

Mr. LEAHY. Mr. President, following that, I would hope Senators would cooperate. We know we are going to have to pass this bill. We know the distinguished Republican leader and the distinguished Democratic leader have said there are other bills coming along behind it. I would hope we would go forward with it.

I note one thing for my colleagues. I have listened to the discussion of the distinguished Republican leader this afternoon and the distinguished chairman of the Foreign Relations Committee. I assume this would mean, if he has his up-or-down vote, or a clear vote on his amendment——

The PRESIDING OFFICER. Will the Senator suspend while the Senate comes to order?

Mr. LEAHY. Mr. President, I assume after that vote we would then go forward with the confirmation of a number of ambassadors. This is not just some small matter. It is now mid-September, and we have people who have children. The children do not know where they are going to be going to school, and they do not know whether they will move out of the house or in.

This is a very, very real situation for these families. We may have our efforts back and forth with each other, but the children ought to have some idea where they are going to be going to school, and what they are going to be doing.

Mr. McCONNELL. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. McCONNELL. Mr. President, is the Senator from Kentucky correct that the pending amendment is the Helms amendment regarding State Department reorganization?

AMENDMENT NO. 2712, WITHDRAWN

The PRESIDING OFFICER. The pending question is on the Murkowski amendment No. 2712.

Mr. MURKOWSKI. Mr. President, I have reviewed the revision of section 575 of the committee amendment of H.R. 1868 concerning North Korea, to which I understand the managers of the bill have agreed. I do not believe that this revised section is as strong or specific as it should be, nor is it even as strong as the original version. Further, I still believe that my amendment would provide a more concrete and fundamental structure for monitoring compliance with the agreed framework on nuclear issues between the United States and North Korea.

Nevertheless, it appears to me that the revised section 575 takes at least a few first steps toward the objectives of my amendment, No. 2712. Just as importantly, it puts the administration and the North Koreans on notice that we will be monitoring closely the implementation of the agreed framework on nuclear issues, including North Korea's commitment to participate in dialog with the Republic of Korea.

As a result, and to save time for the Senate as it moves to complete this bill, and because the revised amendment comes at least some way toward my amendment, I would like to withdraw my amendment at this time.

However, in doing so, I want to advise my colleagues that since this issue deserves extensive further debate and consideration within the Senate, I am going to propose my amendment in the form of a freestanding bill in the near future. I also advise my colleagues that my friend Senator HELMS has promised to consider this matter in his committee expeditiously.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Murkowski amendment be laid aside and that the pending business be the Helms amendment regarding State Department reorganization.

Mr. MURKOWSKI. Mr. President, I would like to advise the floor manager the Murkowski amendment has been withdrawn.

The PRESIDING OFFICER. The Senator has the right to withdraw his amendment.

Does the Senator from Alaska request that?

Mr. MURKOWSKI. The Senator from Alaska does request that.

The PRESIDING OFFICER. The amendment is withdrawn.

So the amendment (No. 2712) was withdrawn.

VOTE ON AMENDMENT NO. 2707

Mr. McCONNELL. Mr. President, is the pending business the Helms amendment regarding State Department reorganization?

The PRESIDING OFFICER. The Senator from Kentucky is correct.

Mr. LEAHY. Mr. President, I move to table the Helms 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 table the Helms amendment No. 2707. The yeas and nays have been ordered. The clerk will call the roll.

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

The result was announced—yeas 43, nays 57, as follows:

[Rollcall Vote No. 457 Leg.]

YEAS—43

Akaka	Breaux	Dodd
Biden	Bryan	Dorgan
Bingaman	Bumpers	Exon
Boxer	Conrad	Feingold
Bradley	Daschle	Feinstein
Ford	Kohl	Pell
Glenn	Lautenberg	Pryor
Graham	Leahy	Reid
Harkin	Levin	Robb
Heflin	Lieberman	Rockefeller
Inouye	Mikulski	Sarbanes
Johnston	Moseley-Braun	Simon
Kennedy	Moynihan	Wellstone
Kerrey	Murray	
Kerry	Nunn	

NAYS—57

Abraham	Faircloth	Mack
Ashcroft	Frist	McCain
Baucus	Gorton	McConnell
Bennett	Gramm	Murkowski
Bond	Grams	Nickles
Brown	Grassley	Packwood
Burns	Gregg	Pressler
Byrd	Hatch	Roth
Campbell	Hatfield	Santorum
Chafee	Helms	Shelby
Coats	Hollings	Simpson
Cochran	Hutchison	Smith
Cohen	Inhofe	Snowe
Coverdell	Jeffords	Specter
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Dole	Lott	Thurmond
Domenici	Lugar	Warner

So the motion to table the amendment (No. 2707) was rejected.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the motion was rejected.

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

The motion to lay on the table was agreed to.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 2707, WITHDRAWN

Mr. HELMS. Mr. President, parliamentary inquiry. Have the yeas and nays been ordered on the amendment?

The PRESIDING OFFICER. The yeas and nays have not been ordered on the amendment.

Mr. HELMS. Mr. President, I withdraw the amendment.

The amendment (No. 2707) was withdrawn.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, obviously, I agree with the withdrawal of the amendment and hope that will be an issue better addressed in another forum. I am pleased it was. I also hope that we may see soon the Ambassadors—this confirmation is still being withheld—so the family, the children, everybody else can make plans, especially since the school year is now upon us.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to, en bloc; that the bill be considered as original text for the purpose of further amendment; and that no points of order be waived thereon by reason of this agreement.

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

So the committee amendments were agreed to, en bloc.

The PRESIDING OFFICER. Are there further amendments?

Mr. NUNN. Mr. President, I have great reservations about a provision in this bill that cuts overall aid to Russia based on the Iranian nuclear reactor sale. I will not detain the Senate tonight. I will ask for Senators to think very carefully about this. I think it is essential that we understand that the number one national security challenge we have in the next 5, 10 years relates to proliferation.

I completely agree with the critics of this sale by the Russians to the Iranians. It is my view that this is against the U.S. national security interests and also against the security interests of Russia. We have a common security interest in preventing the proliferation of nuclear weapons. We differ because the Russians are making the sale for economic reasons. The question is: How do we respond? Do we respond with a shotgun attack, cutting overall aid which is what this bill does, or do we have a more refined approach, a rifle approach, making it clear that our own policy is not in any way going to permit them to do this without protest, nevertheless, reserving some economic leverage—

Mr. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. NUNN. Mr. President, I think it is important that we not use all of our economic leverage on this matter, as important as it is. If the Russians wanted the Iranians to have nuclear weapons, they could get them nuclear weapons in 24 hours. Yet, this provision in this bill acts as if the Russians are indeed trying to give the Iranians a nuclear weapons capacity. That is not what the Russians are doing. They are trying to gain economic advantage because of their economic situation.

I do not have an amendment on this. I think all Members ought to think about this very carefully. The Russians are the only empire in history with 30,000 nuclear weapons that has collapsed. They have some thousands and thousands of tons of chemical weapons, and no one even knows how much in biological weapons, and with scientists that know how to produce this material and know how to make these weapons of mass destruction.

We have an enormous amount of security at stake in maintaining our good relationship with Russia, as long as they proceed and struggle toward democracy and market reform. If Russia becomes unstable, if Russia becomes paranoid, if Russia becomes nationalistic, we are going to have terrible difficulties in the years ahead, and even the months ahead, in dealing with this situation. That may happen, inevitably, but certainly we should do no harm.

This provision in this bill is going to cause very big problems if it remains in conference. I hope all Senators will think carefully about this situation. I hope the conferees will look very carefully as to whether they can use a rifle approach, making it clear what our policy is, making it clear that we disagree with this sale, that it has some penalties attached, but not cutting overall economic assistance to a country that really holds the future of nuclear proliferation in its hands with its huge arsenal of weapons, and a country whose own stability is enormously important to our own national security.

I ask the conferees to consider this matter very carefully when they go to conference and not to be locked into this position, which I think is unwise and against our own national security interests.

Mr. President, I would like to comment briefly on the section of H.R. 1868 that provides:

> No funds may be made available under this heading for Russia unless the President determines and certifies in writing to the Committees on Appropriations that the Government of Russia has terminated all planning and implementation of arrangements to provide Iran with technical expertise, training, technology or equipment necessary to develop a nuclear reactor or related nuclear research facilities or programs.

It is clear, Mr. President, that the Government of Russia has decided, over strong and I believe well-founded United States objections, to proceed with the sale of light water reactor technology and equipment to Iran. So the effect of this provision would be to block all United States foreign assistance to Russia in the coming fiscal year.

Mr. President, I oppose the sale of Russian nuclear reactor technology and equipment to Iran. It is not in our country's national security interests. I believe it also will not serve Russia's national security interests.

However, I think we need to consider carefully whether a cutoff of all foreign assistance to Russia will advance our national security interests. I have serious doubts that this provision will serve U.S. interests.

First, I believe Russia's decision to proceed with this sale was based on economic considerations. The Russian economy, and particularly the budget of the Ministry for Atomic Energy, badly needs additional revenue. From their perspective, this deal appears very lucrative.

Second, in my view, a cutoff of U.S. foreign assistance is not going to stop this deal. The decision has been made at the highest level, after the Russian side listened to the best arguments the United States side could made in opposition to the proposed sale. The Russian Government has invested too much prestige, and expects too much monetary return, for this decision to be reversed because of cessation of United States aid.

Third, I believe Russia has wrongly discounted the disruptive impact on international affairs that Iran could play, should it succeed in developing even crude nuclear weapons. Yet it is unreasonable to assume that Russia wants to help Iran to become a nuclear weapons state. Russia possesses over 20,000 nuclear warheads, tons of weapons-grade fissile material, and hundreds of scientists and technicians skilled in creating nuclear weapons. Russia does not need to build a light water reactor in Iran to boost the Iranian nuclear weapons program. If Russia decides to supply Iran with nuclear weapons, it can do so in a few hours.

Fourth, I believe we must ask whether United States influence on Russia to safeguard nuclear technology, to prevent it from being applied to the Iranian nuclear weapons program, will be increased by a ban on United States assistance to Russia. I think the reverse is more likely: that cessation of United States aid will decrease the likelihood of Russian cooperation with us on this vital issue.

Mr. President, our concern over Russia's determination to continue with sale of civilian nuclear reactory technology and equipment to Iran should be addressed, in my view, with a carefully-aimed marksman's rifle, not with a shotgun blast that demolishes everything in front of it. If we cut off all aid because of this sale to Iran, what do we take away the next time Russia acts in a way we believe is contrary to our interests? We will have fired all our ammunition and will have little economic leverage left.

It may be that some aspects of our assistance to Russia merit critical review and reduction. That is another issue entirely. Overall, however, I believe our assistance has made an important contribution to movement toward the development of market economy, a political democracy, and a pluralistic society in Russia. To my mind, this is clearly in our national security interests and should not be brought to a total halt because of our disagreement with an unwise decision by the current Russian Government.

Mr. President, I offer these remarks in the hope that the Senate conferees will review this provision carefully as they enter into conference on H.R. 1868.

Mr. LEVIN. Mr. President, I want to associate myself with the remarks of Senator NUNN, relative to the provision restricting funds for Russia.

I hope the conferees will add Presidential waiver language to that section. Otherwise the language could endanger the chances for our relationship with Russia to continue to grow and could lessen the chances for democracy to survive in Russia.

Mr. LEAHY. Mr. President, I will be very brief. The Senator from Georgia has just raised issues of concern that many of the rest of us have. I hope this is a matter, as we work through conference, that can be handled. During

this whole bill, we have been helped by the cooperation on both sides, by the distinguished chairman, by Robin Cleveland, Jim Bond and his staff, Tim Rieser on mine. I am sure that will continue that throughout the conference.

AMENDMENTS NOS. 2734 THROUGH 2767, EN BLOC

Mr. McCONNELL. Mr. President, I send a group of amendments, en bloc, to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes amendments numbered 2734 through 2767, en bloc.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 2734

(Purpose: To make $3,000,000 available for the World Food Program)

On page 43, line 17, strike out "*Provided,*" and insert in lieu thereof "*Provided,* That not less than $3,000,000 of the funds appropriated under this heading shall be made available for the World Food Program: *Provided further,*".

Mr. COCHRAN. Mr. President, I thank the distinguished chairman of the Appropriations Subcommittee on Foreign Operations for accepting my amendment making $3,000,000 available for the World Food Program [WFP].

As the largest WFP donor, the United States expects more and more every year from WFP as the key provider of food aid in emergencies. In its investigation of WFP effectiveness, the General Accounting Office determined that a larger cash component in United States food donations is needed to improve the efficiency of our food aid distribution operations in such difficult emergencies as those found in Rwanda, Bosnia, Angola, and Sudan.

While this earmark will not increase WFP funding from this account, it will continue the current level of U.S. support and give us time to address through other legislation the fundamental problem of linking cash to food in order to improve the management of food aid so desperately needed around the world.

I deeply appreciate the acceptance of my amendment and thank the chairman and his staff for their consideration of this important issue.

AMENDMENT NO. 2735

On page 11, line 10 insert after "Zaire": ": *Provided further,* That, Not less than $2,000,000 shall be provided to the International Fertilizer Development Center".

AMENDMENT NO. 2736

At the appropriate place under the heading on page 8, "Economic Assistance" add the following proviso: "*Provided further,* That not less than $800,000 of the funds made available under this heading shall be made available for support of the United States Telecommunications Training Institute;".

AMENDMENT NO. 2737

(Purpose: To increase amounts appropriated for international narcotics control and to decrease amounts available to the Agency for International Development)

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

SEC. . Notwithstanding any other provision of this Act, $20,000,000 of the funds made available under this Act for or through the Agency for International Development shall be transferred to, and merged with, the appropriations account entitled "INTERNATIONAL NARCOTICS CONTROL" and shall be available for the same purposes for which funds in such account are available.

Mr. COVERDELL. Mr. President, I am here today to warn about the serious illegal drug problem that poses a major post cold war threat to our Nation's peace and security. Frankly, I worry that these words will fall on the deaf ears of an America that seems unwilling to face reality and commit the resources to stop its own destruction. We are indeed at a crucial point. Representative WILLIAM ZELIFF, wrote last March: "There is growing consensus that America's domestic counterdrug strategy is failing. In 1993 and 1994, respected University of Michigan surveys of 51,000 American students indicate that gains once made are slipping. We are in the midst of a major reversal—in use and attitudes."

After a steep drop in monthly cocaine use between 1988 and 1991 from 2.9 to 1.3 million users, and a similar drop in overall drug use between 1991 and 1992 from 14.5 to 11.4 million users, numbers released earlier this year revealed drug use up in 1994 for all surveyed grades for crack, cocaine, heroin, LSD, non-LSD hallucinogens, inhalants, and marijuana.—The Washington Times, "Renewing Drug War Strategies," by William Zeliff March 9.

In 1994, according to this Michigan study, twice the number of eighth graders were experimenting with marijuana as did in 1991, and daily use of marijuana by seniors was up by half just from 1993. Also, the nationally recognized Drug Abuse Warning Network has reported that drugrelated emergency visits in 1994 were up 8 percent over 1993—now standing at their highest point ever.

Meanwhile, the resurgence of heroin use in the U.S. borders on epidemic proportions. Heroin related admissions to emergency rooms have increased 30 percent since 1990. DEA Administrator Thomas Constantine recently noted that heroin is now available in more cities at lower prices and higher purities than ever before in our history. In November 1993, the Clinton administration announced that it would develop a separate strategy to combat the heroin threat. However, a recommended strategy was only just presented in June of this year, and still awaits the President's approval.

One expert is very blunt: "If these trends continue, by 1996, the Clinton administration will have presided over the greatest increase in drug use and the largest expansion in the supply of illegal drugs in modern American history."—John Walters, president of the New Citizenship Project and former acting director for supply reduction, Office of National Drug Control Policy.

If that's not a loud enough wakeup call, there's more:

About 23 million Americans use drugs, of which at least 6 million use cocaine. If current trends continue, the jump in marijuana use among children from 1992–94 signals that 820,000 more of them will try cocaine; about 58,000 will become regular users or addicts.

Illegal drug use among the Nation's high school seniors has risen 44.6 percent in the last 2 years according to the Department of Health and Human Services. And there is a decline in the perceived risk which leads to an increase in actual drug use. According to Lloyd D. Johnson of the University of Michigan, there is an increase in drug glorification messages aired on television news and entertainment shows. There is a softening of informal and formal antidrug attitudes.

Over 70 percent of the prison population—which is at 1.4 million—tested positive for drugs after their arrest. Whether it is violent crime, child abuse, homelessness, or inner-city poverty, drugs—and particularly crack—have made those pathologies far more acute and in some places unmanageable. Violent crime, largely induced by drug use, is increasing at an alarming rate. And, according to DEA Administrator Constantine: "For the first time in our history, America's crime problem is being controlled by worldwide drug syndicates who operate their networks from places like Cali, Colombia * * *."

The number of police officers, lawyers, accountants, judges who have been tainted by drug money has never been quantified, but the erosion of public trust is apparent.

Drug abuse is costing America about $100 billion annually, excluding billions in taxes on illegal profits from the drug trade, but the moral cost to the U.S. social and political system is immeasurable.

These distressing facts are not simply a reflection of society's more permissive attitudes. This administration also changed counterdrug policies. Just days after inauguration, Clinton moved the White House office created to direct national antidrug—the Office of National Drug Control Policy [ONDCP] efforts to a backwater and slashed its personnel by over 80 percent. Enforcement has been deemphasized. Mandatory minimum sentences have been reduced. Prosecution statistics from the Administrative Office of U.S. Courts for 1992–94 reveal: a 14-percent drop in

charges under all Federal drug laws and a 30-percent drop in charges under narcotics offenses.

The Clinton administration slashed drug interdiction. Information provided at a recent Senate Judiciary hearing revealed a cut of 50 percent between 1993 and 1994 alone in the ships and aircraft devoted to the interdiction of drugs from South America. America's low-key drug czar, Lee Brown, has warned of the need to restore assets to the interdiction force structure. He reported that all Federal agencies involved in drug interdiction had reached a consensus: "that to maintain adequate resources in theater, we must return to the 1992–93 levels of effort." But shortly after that warning, the administration released its fiscal year 1996 budget requesting a cut in interdiction funds to $1.27 billion—almost 35 percent below the fiscal year 1992 level.

Even drug treatment and especially prevention—often held up by this administration as alternatives to rigid enforcement, had their budgets trimmed by $100 million and $130 million, respectively.

According to recent testimony from the GAO's Joseph Kelly, Director in Charge International Affairs Issues, National Security and International Affairs Division, before the House of Representatives, Subcommittee on National Security, International Affairs, and Criminal Justice, Committee on Government Reform and Oversight, the executive branch had difficulty implementing a key part of the strategy—shifting resources from the transit zone to the source countries.

Defense Department officials have also complained that the amount of resources applied to the transit zone has been significantly reduced without a shift in resources to the source countries. For example, the DEA is reducing its presence in Colombia, the U.S. Southern Command is now flying fewer sorties each month in support of source-country interdiction than it did in 1993, and counternarcotics assistance to the three primary source countries was less in 1995 than in 1991 or 1992. In short, Kelly admits that "shifting resources between and within agencies has been problematic."

Kelly mentions other severe problems with America's so-called war on drugs, including the need for better coordination. No single organization seems in charge of the drug war in either the cocaine source or the transit countries. He mentioned better leadership as required to develop a coherent plan, and to integrate all U.S. programs.

What we have now is virtually no strategy at all. The result is "U.S. Falling Far Short in the Drug War," as written in the Washington Post by Jeffrey Smith. Smith and others have noted—and frankly, I am deeply concerned—that American officials on both sides of the aisle are seriously underestimating the threat. I have painted a bleak, yet accurate, account of the tragedy of drug abuse, the violence, the health costs, the destruction of lives. But I doubt that this Senate or our antidrug officials have fully grasped the magnitude, complexity, and sheer danger of the drug trade.

Corruption is leading a path right to the heart of the political system. And many foreign leaders appear unable to deal with the problem. The facts are daunting: Large, criminal drug trafficking empires, better armed than many police forces, and with ties to other organized international crime branches around the globe are wreaking destruction around the world, particularly in this hemisphere. The CIA estimates that illicit narcotics is a $300 billion a year industry. Yet, U.S. and independent experts warn that cuts are harming Washington's ability to interrupt the new alliances being formed by major criminal organizations involved in drug activities on different continents.

A senior U.S. intelligence official recently stated that these organizations "are developing massive capital. I am concerned that they are going to link together * * * to leverage Democratic societies around the world * * * There is a tremendous dimension to this problem that we have hardly begun to see."—the Christian Science Monitor, "Spy Agency Adapts Cold-War Tactics for Drug War," by Jonathan Landay, July 5, 1995. Political instability, rising corruption, and porous borders in the United States, Europe, and Asia have enabled criminal organizations to expand into lucrative opium growing areas and new cocaine markets.

The technological advancement of the drug trade also has been underestimated. Colombia's Cali cartel has apparently changed its transportation mode from single- and twin-engine aircraft to larger commercial aircraft, such as 707's and 727's. There are no estimates on how many large commercial flights are used. But the traffickers are creating economies of scale to bring in tons of cocaine. Jeffrey Smith notes: "The United States and other developed countries are falling further behind in the war on drugs as criminal organizations in Latin America and Asia have increased production and become more sophisticated in distributing cocaine and heroin."

With profits as high as 75 percent, heroin and cocaine producers can afford to spend tens of billions of dollars annually on sophisticated counterintelligence programs, telecommunications equipment, as well as hiring some of the best marketing and legal talent that U.S. colleges and universities produce. While the problem has often been compared to efforts to undermine America's crime mob, that comparison may be misleading. Today's drug leaders are better armed, have much more funds at their disposal, and have access to sophisticated technology to carry out their trade.

In the Western Hemisphere, drug traffickers have invested in a nationwide chain of pharmacies; legal drug labs—even their own brand of aspirin and vitamins; investments in soccer teams; hotels; shopping centers; car dealerships; apartments; poultry farms; ranches with thousands of heads of cattle—and they are even believed to have purchased some newly privatized State industries, according to the FBI and other sources.

Based on the extent of coca leaf production in South America, the Western Hemisphere's annual cocaine production is about 1,100 metric tons. Drug users in the United States consume an estimated 300 tons; police and customs seize another 300 tons. That leaves a tremendous glut of cocaine on the world market, keeping street dealers on several continents flush, despite continuing victories like the arrest of major traffickers.

Proponents of efforts to stop the production of drug crops and substances at the source—in Latin America and Asia—believe that reducing the foreign supply of drugs is crucial to lowering the levels of drug use in the United States. They argue that, coupled with intense law enforcement, such programs will succeed since it is easier to locate and destroy crops in the field than to locate subsequently processed drugs in America's streets. Opponents generally believe that the reduction of the foreign supply is unrealistic, and that the only ultimate solution is the reduction of demand. By now, any reasonable person has surely come to the conclusion that it will take both: We must decrease demand, even as we reduce the flow of illegal drugs.

Here's just a sample of the reality I must deal with in trying to stem the flow of drugs into the United States, as the Western Hemisphere Subcommittee chairman on the Foreign Relations Committee:

Mexico: Fifty to 70 percent of the illegal drugs that enter the United States are smuggled through Mexico. Between 60 to 80 percent of the foreign-grown marijuana available in the United States is of Mexican origin, and Mexico supplies about 23 percent of the heroin. Mexico is also a key transshipment point for cocaine entering the United States, and has expanded its role over recent years as a clearinghouse for worldwide drug shipments and money laundering.

The Office of National Drug Control Policy has designated Mexico as the second most important country in the international narcotics program, behind Colombia. The DEA attache in Mexico has recommended that Mexico be reclassified as a source country so it can be considered for more resources

under the administration's counterdrug strategy.

Faced with a growing threat from narcotics trafficker, President Zedillo has singled out the drug trade as Mexico's most pressing national security problem. But even that key admission is not enough. In a disturbing development, drug smugglers are buying passenger jets and flying in huge amounts of drugs into Mexico for transport to the United States. According to the State Department, drug-laden cargo jets "are one of the most difficult and critical challenges * * * facing Mexico." International Narcotics Control Strategy Report, March 1995. Zedillo has ordered the Mexican military to take a greater role in the counterdrug fight, including the use of air force fighter jets to intercept cocaine-laden planes.

Experts say that Mexican drug organizations have built a financial empire using the tourist industry and stock market, while converting billions of dollars in drug profits into legitimate forms of capital. Mexico's National University estimates that Mexican drug lords spend as much as $500 million a year on bribery. Some bankers suspect that last December's financial crisis was partly the result of a massive transfer of drug money.

Colombia: We vigorously congratulate recent success in Colombia apprehending Cali cartel kingpins, Gilberto Rodriguez Orejuela and Jose Santacruz Londono, among others. The Cali cartel has accounted for at least 80 percent of the cocaine shipped into the United States. We are elated and anxiously await more traffickers being brought to justice. But we are wise enough to recognize that the problems down there are far from over. We need to determine that those captured will be prosecuted, fully. These kingpins must receive punishment commensurate with their crimes. Short sentences, in which they're able to hold on to their ill-gotten gains would be counterproductive. Hopefully, Colombia's institutions will deliver and operations against the Cali cartel will continue.

But last year Columbia achieved only minimum success in the tactical arenas of drug interdiction, illicit crop eradication, and precursor chemical seizures. Colombia is now producing so much cocaine that U.S. officials can barely keep track of it, and it may well have surpassed Bolivia as the world's second largest coca grower. Peru remains the largest coca grower, accounting for nearly two-thirds of the world's coca production, most of which is processed in Colombia. Colombia is also believed to have the dubious distinction of surpassing Mexico as the hemisphere's leading poppy producer.

Early this year, Columbia's justice minister released a report concluding that judges and prosecutors were overly generous in the use of plea bargains. Even Columbia's chief prosecutor described the situation as virtual impunity. We applaud Columbia for coming clean on a failed program, but the reality is: Colombian officials themselves are embarrassed by the lenient sentences.

Ernesto Samper's Presidency remains tainted with allegations that his 1994 campaign received up to millions of dollars in contributions from traffickers. The corruption of Colombia's Congress continues to be a problem, with one former U.S. officials warning that as much as 50 to 75 percent of the Colombian Congress is influenced by the drug cartels.

Notwithstanding present doubts about the effectiveness of America's strategy in the war against drugs, there was success against the drug cartels during the mid 1980's to early 1990's. The energy and resources devoted to the antidrug effort during the Bush and Reagan administrations, combined with hardening public attitudes produced declines in the drug problem. And while Federal spending on the drug war was substantial—approaching $12 billion at the end of the Bush years—it never exceeded Federal spending for NASA. Clearly, neither the space program nor the Federal antidrug effort ever presented a serious burden in terms of the Federal budget. Meanwhile, modest progress against drug trafficking was also being made in my area of the globe; eradication and drug seizures were up. These successes were achieved despite the criminals' resolve.

Then, as now, we recognize the valiant efforts made by law enforcement personnel in Mexico, Colombia, and throughout Latin America who have lost their lives to stopping the flow of illegal drugs into this country. In the past decade, Colombia has lost 23 judges, 63 journalists, 4 presidential candidates, and more than 3,000 police officers and journalists. And we agree with many of the leaders of the region that America simply must do more to curb its appetite for illegal drugs. They must not see us as hypocritical—watching their every move, while reducing our own financial commitment to the problem.

But, even more, I fear that political leadership and world class American will to fight the drug scourge is eroding throughout the Western Hemisphere. But now here in America we seem asleep in the face of a problem that is devastating our future and threatening our national security. If we are willing to commit the resources and implement a coherent program, even as we attack the drug consumption problem, we will experience renewed success. The alternative—reducing badly needed counterdrug resources at this crucial time—would further threaten our national security, would risk democracy and stability throughout the hemisphere, and would place our young people's very lives at risk.

Mr. GRASSLEY. I support the amendment to restore funding to the international narcotics program. I am aware that the bill already contains a considerable increase for the program but it still remains well below what is essential to sustain a viable international narcotics effort.

In the last several years, funding for our international narcotics program has been in a free fall. In addition, the administration has failed to articulate a coherent strategy or consistently defend the programs that it has put forward. This has left the impression that it does not care about the drug program, does not see fit to push its own ideas.

Some in Congress seem to have concluded from this that the drug program does not work and that the money can do better service someplace else.

Both views are wrong.

When we made the drug issue a continuing policy concern we saw success. And when we provided our efforts with adequate guidance and support, backed up by the moral authority of the government in support of the public, we made significant progress on the drug problem. We saw the result in steady declines in use, the most important barometer of how we are doing.

We can also see the results of a retreat from our earlier commitment. In the last 2 years we have seen marijuana use among 12–17-year-olds soar, up 50 percent. At this rate, within the next year or so we will have wiped out the gains made in reducing use over the last 13 years. It is from this new, emerging user population that tomorrow's addicts will come. The situation reminds me of what happended to us in the 1970's. We let indifference get the better of us. We had to suffer a major drug epidemic to learn our lesson. We cannot afford to let that lesson go to waste.

It is a national tragedy if we let drug use escape us again. With serious effort we reversed the worst years of drug abuse. What clearer indication can there be of the effects of meaningful effort and indifferent effort than in these contrasting pictures.

More important, I would remind my colleagues that it has been Congress that has lead the effort in representing the public's interest on the drug question. In 1986 and 1988, we moved to increase both the funding for our drug efforts and to put pressure on the administration to take forceful action. We saw results. Just this year, the Senate Foreign Relations Committee, and Senators HELMS and COVERDELL, took the lead in putting pressure on Colombia to do something about arresting drug kingpins, something everyone told us could not and would not happen. Well, it happened in jig time. Consistency and meaning what you say are still solid currency, here and abroad. It is that kind of fortitude and stick-with-it-ness that we still need.

We still have a substantial responsibility to represent the American public on the drug issue. And we still have the need to be the leaders in insisting on adequate funding for well-executed programs. This does not mean we have to measure our drug efforts by impossible standards of success. We need to be realistic and we need to be consistent.

Given recent gains in putting drug kingpins behind bars in Colombia we also need to build on our efforts to go after the second and third tier of cartel leaders. This means continued support for our international programs.

I would also remind my colleagues, that the money we spend on this foreign assistance program goes directly to support efforts aimed at individuals and groups that target Americans, whose actions daily kill and wound more people than all the terrorists combined. Drug dealers, here and abroad, are real enemies whose actions have direct and immediate consequences on the quality of life in our homes and on our streets. Money spent on this international program pays real benefits here. We can see the result when we are willing to act and we can see the consequences when we fail.

I support the amendment to increase the international narcotics program by a further $20 million, which still brings the total international effort in at over $40 million below the administration's request. This funding will help us do the job we must continue to do.

AMENDMENT NO. 2738

(Purpose: To provide for the transfer of excess defense articles to Estonia)

At the end of section 546 of the bill, insert the following:

(c) The President may transfer to Estonia such excess defense articles as the President determines necessary to help modernize the defense capabilities of Estonia, subject to the requirements of subsections (b) through (f) of section 519 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321m).

Mr. GORTON. Five years ago I was invited to be the first United States Senator to address the newly elected Estonian Parliament as it liberated itself from 50 years of illegal Soviet occupation. I was denied entry into Estonia by the Soviet regime, but have since taken a distinct and parochial interest in Estonia's well-being.

Recently I met with Lt. Gen. Aleksander Einseln, commander of the Estonian Armed Forces. In our meeting, he outlined the significant material problems that his nascent military faces. With the almost complete withdrawal of Russian military forces, Estonia must now look to its own defense. Estonia is struggling to heal its wounds of 50 years of Soviet domination. Its resources are very limited; its army small—merely 4,000 soldiers I am told.

This amendment gives the President authority to transfer to Estonia such excess defense articles as the President determines necessary to help modernize its defense capabilities. The transfer is subject to the provisions of section 519 subsections (b) through (f) of the Foreign Assistance Act of 1961. In short, those provisions authorize the President to transfer excess, nonlethal defense articles to a country if a foreign military financing program has been justified for the fiscal year in which the transfer is to be made; allow the United States to help said country modernize its defense capabilities; allow the transfer of the excess defense articles only if the equipment is drawn from existing DOD stocks, no DOD procurement funds are used in connection with the transfer, the President determines the transfer will not have an adverse effect on the military readiness of the United States, the President determines transferring said articles is preferable to selling them; require the President to notify the Senate and House Committees on Appropriations, Armed Services—or National Security—and Foreign relations; require the President to submit an annual report to said committees detailing the value of the shipment; require said country to pay for all crating, packing, handling, and transportation costs.

Estonia has joined the United Nations, the Organization for Security and Cooperation in Europe and the Partnership for Peace. Its government has developed a robust democracy while fully embracing the principles of a market economy. For our part, any help the United States can provide will, I believe, be invaluable to our strategic and moral interests. This amendment does just that.

AMENDMENT NO. 2739

On page 18, line 24, after "assistance:" insert the following: "*Provided further*, That not less than the Egyptian pound equivalent of $85,000,000 generated from funds made available by this paragraph, or from any other source including from funds made available for Egypt for fiscal year 1997, shall be made available to the United States pursuant to the United States-Egypt Economic, Technical and Related Assistance Agreements of 1978, for the following endowments established under such agreements: the Egyptian pound equivalent of $50,000,000 shall be made available to replenish the existing endowment for the American University in Cairo, and the Egyptian pound equivalent of $35,000,000 shall be made available to replenish the existing endowment for projects and programs which promote the preservation and restoration of Egyptian antiquities:"

Mr. STEVENS. Mr. President, the amendment I am offering would designate 85 million dollars' worth of Egyptian local currencies to be used for two programs in Egypt that have enjoyed considerable support from this body in the past. This amendment does not affect the dollar appropriation for Egypt nor does it add any new money to the bill.

First, the amendment requires that the existing endowment for the American University in Cairo be replenished by the equivalent of $50 million in Egyptian pounds.

The Congress has twice before directed that local currencies generated from our aid programs be used to support AUC. However, as the pound has devalued against the dollar, the value of the existing endowment for AUC has continued to shrink, thus making an additional contribution necessary. In addition, lower interest rates, while obviously good for the general economy in Egypt, have resulted in significant income decline from these funds.

Mr. President, AUC is an institution of outstanding importance, not only in providing an American-type university education in Egypt and elsewhere in the Middle East, but also as a key element in the close relationships that have developed between the American and Egyptian peoples. Our colleague, the distinguished chairman of the Appropriations Committee, was instrumental in securing the original allotment of Egyptian pounds for this important institution.

AUC is a cost-effective instrument for building cultural and intellectual bridges. Reflecting on its American heritage, AUC attracts Egyptians from all sectarian communities. Egyptian youths compete for an opportunity to acquire the American-style education which AUC offers and, in the process, learn something intangible about American culture and values. Several years ago the State Department concluded that, "AUC enhances United States long-term national interest in Egypt and the Middle East and does it at a very reasonable cost." I and my cosponsors have supported the work of AUC for many years, and note that the Egyptology department at AUC played a pivotal role concerning the recent find in the Valley of the Kings.

Mr. President, this amendment, which represents the third congressionally directed contribution to the endowment of AUC, is a "no-cost" way of fostering U.S. values in a region of the world that is vital to our national interest.

The second program for which local currencies are designated is an endowment for the preservation of Egyptian antiquities. Again, prior legislation, written by Senator INOUYE and I, had directed the establishment of an endowment with Egyptian local currencies. The amendment makes the equivalent of $35 million available for this purpose.

Egypt's cultural heritage is one of the richest and most important in the world's history. Yet, it is seriously endangered by pollution, decay, and the simple passage of time. An endowment was established in the Foreign Aid Appropriations Act for fiscal 1993 to address this problem and for reasons similar to those affecting AUC, the endowment now needs replenishment.

Mr. President, both of these programs are worthy ones. In the past, the Congress has used this innovative way of providing them with support without costing the taxpayer anything. I would hope that this practice can continue with the adoption of my amendment.

AMENDMENT NO. 2740

In lieu of the matter proposed to be stricken insert the following:

NORTH AMERICAN DEVELOPMENT BANK

For payment to the North American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in portion of the capital stock, $25,000,000, to remain available until expended; Provided, that for the payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the fund to be administered by the Inter-American Development Bank, $45,000,000 is provided to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the North American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of the capital stock of the North American Development Bank in an amount not exceed, $318,750,000.

Mr. DOMENICI. Mr. President, I rise to offer an amendment to raise the fiscal year 1996 appropriation for the North-American Development Bank to $25 million. I believe that this amendment makes good environmental sense as well as good economic sense.

Mr. President, some of today's most pressing environmental problems are along the United States-Mexico border.

Rapid population growth along both sides of the border have created situations where large numbers of people are living in areas that have inadequate drinking water, wastewater, or municipal solid waste facilities.

To address this situation, the United States and Mexico entered into a joint agreement to establish the North American Development Bank [NAD-Bank].

NAD-Bank will provide the capital for these much-needed border projects, choosing those projects from lists developed by the multilateral Border Environment Cooperation Commission [BECC].

NAD-Bank will not provide grants or equity funding for environmental infrastructure projects, but instead will act a real world investment bank, providing financing to both public and private entities to build the environmental projects recommended by the BECC.

NAD-Bank ensures that the best projects are constructed through the following criteria:

All projects financed by the NAD-Bank must address the environment along the 100 km region on both sides of the United States-Mexico border.

NAD-Bank projects must be able to demonstrate repayment of their loans and guarantees. NAD-Bank will closely review factors that may affect capital outlays, construction, operations and maintenance, and project revenues—user fees, state/local backing, guarantees.

All beneficiaries must share some project costs and/or responsibilities.

Projects must use designs and technologies which result in a least cost solution for long term facilities' operations and maintenance.

In addition to the fact that NAD-Bank's projects will promote a healthier environment, NAD-Bank's activities will benefit the United States economy as a whole.

Specifically, properly planned and developed border infrastructure will help United States-Mexico trade to flow freely.

Finally, NAD-Bank was created by the United States and Mexican governments as an equal partnership to address these environmental problems. Mexico has already put up its share of the money of NAD-Bank.

We have an obligation to show that we are as committed to addressing these problems as is our southern neighbor.

In sum, therefore, this amendment makes good economic as well as good environmental sense, and I urge its adoption.

Mrs. HUTCHISON. Mr. President, I rise tonight in support of the North American Development Bank, which was created to assist border States and local communities in coordinating, designing, and facilitating border infrastructure projects. It is a unique binational financial institution which acts as a catalyst for private and public capital investment for projects certified by its sister organization, the Border Environment Cooperation Commission [BECC].

Established through a joint agreement between the United States and Mexico, the NADBank also establishes the United States and Mexico as equal partners, under which both the United States and Mexico contribute equally to the Bank's resources. Importantly, each government's capital subscription is not an operational expenditure. It represents an investment in a sound financial institution which will appreciate with the Bank's earnings and may eventually be returned to its investors—United States and Mexican citizens.

The NADBank's role is a crucial one; it acts as the lead bank, like an investment bank, financing border environmental infrastructure projects as a complement to other public and private sector financial sources. It also has an important private sector orientation. Unlike other multilateral development banks which lend primarily to public entities, the NADBank may provide financing to any entity—public or private.

What will NADBank capital be used for? Well, 90 percent will go to border infrastructure projects. Ten percent will be used to fund separate domestic programs in the United States and Mexico beyond the Mexican border. Clearly, the role of the NADBank is an important one not just to border States but to any community.

Mr. President, pollution does not require a visa. Border pollution impacts both Mexico and the United States, and growing public health concerns and a lack of adequate clean water prevent economic growth extending out and beyond the border regions. Growing health concerns due to the inadequacy of municipal infrastructure are a potential time bomb. If the health risks associated with lack of adequate infrastructure are not addressed, the border will face even more severe health problems over the next decade. The NADBank, in its efforts to address growing infrastructure needs, will benefit the entire border region's health standards. The proper use of the Bank's capital will be guarded carefully, therefore, as if it were a trust for our children.

Properly planned and developed border infrastructure will help United States-Mexico trade to flow freely.

Mr. BINGAMAN. Mr. President, I rise today to join my colleagues, Senator DOMENICI of New Mexico, Senator HUTCHISON of Texas, and Senator KYL of Arizona, in supporting the amendment to restore funding to the North American Development Bank, better known as the NADBank. As a cosponsor of this amendment, I want to tell you how important NADBank funding is to improving environmental conditions along the United States-Mexico boarder. This is important not only to my State of New Mexico, but to all the border States and to our Nation.

The North American Development Bank was created in 1993 as a supplement to the North American Free Trade Agreement [NAFTA]. Its purpose is to provide loans and loan guarantees to projects certified by the Border Environmental Cooperation Commission [BECC], also created as part of the NAFTA, for high priority border environmental and health projects. Due to its lack of wealth, the border region cannot be self-financing in its endeavor to develop and implement these types of infrastructure projects. These projects are absolutely critical to the border area in managing its considerable problems with air and water pollution, wastewater treatment, municipal solid waste, and hazardous waste.

The NADBank is patterned after other multilateral development banks, such as the World Bank and the Inter-American Development Bank. The United States and Mexico each are to contribute $225 million over a 4-year period in initial paid-in capital. The NADBank will then use this capital,

along with funds raised in the financial markets and other resources to fund environmental and health projects along the border and to supplement privately funded projects. These funds will be combined with existing State and local funding, Federal grants and State revolving loans, and World Bank and Inter-American Development Bank loans to Mexico to provide for the substantial investment that is needed to provide the basic level of protection to human health and the environment.

Rapid population growth and industrialization in the border cities has overwhelmed existing wastewater, water supply, and solid waste infrastructure. Untreated domestic and industrial sewage currently flows north to the United States and into the Rio Grande River. Thousands of residents lack safe drinking water and adequate solid waste disposal facilities. Air quality is severely deteriorated by emissions of industrial pollutants, and dangerous levels of carbon monoxide and ozone-forming hydrocarbons from urban traffic.

Let me be clear that while this funding is for binational projects, U.S. citizens will realize substantial benefit from potential border infrastructure improvements. About 6 million people live in metropolitan areas along the United States-Mexico border. This population is critically impacted by water pollution coming across the border from Mexico in areas such as the Tijuana River and New River in California, the Santa Cruz River in Arizona, and the Rio Grande in Texas and my home State of New Mexico. By investing in pollution control in these areas, there is a direct and important benefit to U.S. citizens in terms of health protection, crop protection, and improved recreational benefits and increased property values.

There are economic benefits that will accrue to us as well in maintaining our commitment to the border area. U.S. jobs will be generated in the equipment manufacturing and professional services sectors, which are found in almost all 50 States. The United States has a strong competitive advantage for providing equipment, instrumentation, and professional services for the construction of Mexico wastewater facilities along the border. With a potential need of almost $8 billion in border water related facilities over the next decade, up to $2 billion of business could be generated in U.S. products and services.

In closing, I would urge my colleagues to support this amendment, to ensure the future protection and preservation of the environment along the United States-Mexico boarder. It is good, not only for the health of our border communities, but also for the environment along the United States-Mexico border, and for the economy of the entire United States.

AMENDMENT NO. 2741

On page 43, under the heading, "International Organizations and Programs," add the following provisio; "*Provided further*, That not less than $1,500,000 of the funds appropriated under this heading shall be made available for the United Nations Fund for Victims of Torture;".

AMENDMENT NO. 2742

(Purpose: To increase transfer authority for IFAD)

On page 11, line 3, strike "$15,000,000" and insert in lieu thereof "$30,000,000".

Mr. DODD. Mr. President, I send to the desk an amendment and ask for its immediate consideration. The amendment I am offering simply increases the transfer authority that the administration may utilize to fund the U.S. contribution to IFAD. Specifically the amendment increases that authority by $15 million. Let me assure my colleagues that this transfer authority will not require any offsetting cuts to be made as the overall funding of the foreign operations budget is not increased.

The International Fund for Agricultural Development [IFAD] is the only international financial institution with the specific mandate to address rural poverty, hunger, and malnutrition. To this end, IFAD promotes participatory, cost-effective approaches to help poor groups such as smallholder farmers, rural women, and the landless to increase their output and incomes in sustainable ways.

In January 1995, the Governing Council of IFAD agreed that the target for the Fourth Replenishment should be $600 million, and urged both developing and developed countries to join in a partnership to achieve this target. To date, the United States is the only country that has not announced its pledge.

As you know, the U.S. commitment to the Fourth Replenishment is expected to be $92 million over a 3-year period. While the transfer authority of $15 million is a positive step for IFAD, it does not fulfill the first $30 million annual payment by the United States toward its expected 3-year pledge.

The transfer authority for $30 million would allow the United States to continue its leadership in IFAD and allow us to continue our successful work to increase the productivity and incomes of the rural poor. A transfer of $30 million to IFAD will also make it possible for the United States to pledge its commitment of $92 million to the Fourth Replenishment, bringing the 3-year negotiations on this replenishment to a successful conclusion. Once the Fourth Replenishment is concluded, a new governance structure will go into effect. New voting procedures will reflect the level of contributions made, and will ensure that the voice of larger contributors will be heard more clearly.

The transfer authority will not harm the programs and accounts from which the funds are transferred. With a U.S. contribution of $92 million, the $600 million level of the Fourth Replenishment will be achieved and with another $600-plus million from loan repayments and investments, a total of $1.2 billion will be available to IFAD to fight poverty and hunger around the world. About 40 percent of the resources available in our Fourth Replenishment will go to Africa. Hence the transfer authority will make it possible for IFAD to commit $160 million per year for Africa, increasing over fivefold the total development resources for that region. IFAD is an effective and efficient organization that through strict loan repayment and investment policies and contributions from other member countries leverages about $13 for every $1 that the U.S. commits. Without the U.S. pledge there will not be a successful conclusion of the Fourth Replenishment, and will not be able to provide this level of resources to the region.

I urge my colleagues to support this amendment.

AMENDMENT NO. 2743

At the appropriate place in the bill add the following new section:

SEC. . GUATEMALA.

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

(1) The Government of Guatemala, under President De Leon Caprio, has made significant progress towards negotiating an end to Guatemala's civil conflict which has resulted in numerous human rights violations, claimed tens of thousands of lives and impeded economic development in that country.

(2) President De Leon Caprio has taken steps to improve human rights, including his support for the U.N. mission for the verification of human rights and of compliance with the commitments of the comprehensive agreement of human rights in Guatemala (Minugua) and his recent decision to abolish the military commissioners, but his efforts to bring human rights violators to justice have been impeded by certain members of the Guatemalan Armed Forces;

(3) Despite numerous appeals by the families of victims of human rights abuses, human rights organizations and Members of the United States Congress, there has been minimal progress towards resolving specific human rights cases including cases involving American citizens or their relatives;

(4) President De Leon Caprio deserves the support of the United States in his efforts to resolve Guatemala's conflict peacefully, to support democratic elections, and to improve respect for human rights.

(b) LIMITATIONS.—Notwithstanding any other provisions of law—

(1) No assistance in this Act or any other Act shall be made available to the Guatemalan Armed Forces or the URNG;

(2) No sales of defense articles or services shall be licensed or approved for Guatemala for the Armed Forces or URNG; and

(3) No visas shall be granted for any member of the Guatemalan Armed Forces or the URNG suspected of participating in or ordering any violation of human rights or of seeking to coverup or otherwise thwart the investigation of such acts.

(c) CERTIFICATION.—The limitations contained in subsection (b) shall cease to apply

when the President certifies to the Committee on Appropriations and the Committee on Foreign Relations that—

(1) The Guatemalan Armed Forces and the URNG are fully cooperating with efforts—

(A) By the family of U.S. citizens Michael Devine who was murdered in 1990 to bring to justice those responsible for the murder or coverup of the murder;

(B) The October 1994 murders of Roderico Baudilio De Leon and Flavio Matias Marroquin;

(C) By Jennifer Harbury to exhume the body of her husband, Efrain Bamaca Velasquez; and

(D) By human rights organizations and the Guatemalan attorney general to investigate and bring to justice those involved in the prominent human rights cases committed by both sides to the conflict, including those cases enumerated in the April 7, 1995 letter to President Clinton by twelve Members of the United States Senate.

(2) The Guatemalan Government and Armed Forces are complying with the recommendations in Minugua's first and second reports, particularly those related to the investigation and prosecution of human rights cases.

(3) The U.S. Representative to the United Nations Human Rights Commission has consulted with Representatives of other Member States to determine whether respect for human rights would be enhanced by the appointment of a special United Nations rapporteur for Guatemala.

Mr. DODD. Mr. President, this amendment is very straight forward. It says that until we see some tangible progress in the human rights performance of the Guatemalan military, including cooperation with efforts to investigate and bring to justice those responsible for the murder and cover up of United States citizen Michael DeVine, no assistance of any kind will be forthcoming for that institution.

The prohibitions on military assistance, sales of defense articles and service, and the denial of visas to members of the armed forces suspected of wrong doing are to remain in effect until the President certifies to the Congress that the Guatemalan Armed Forces are cooperating with efforts to investigate a number of high profile human rights cases, including the murders of Michael DeVine, Myrna Mack, and Efrain Bamaca Velasquez, the husband of United States citizen Jennifer Harbury.

Mr. President, Guatemala is at an important turning point in its rather tragic history. A civil war has been waging there for 35 years. More than 140,000 Guatemalans have lost their lives as a result of that conflict. The bulk of those killings occurred in the 1980's when the Guatemalan Armed Forces mounted massive counterinsurgency operations, particularly against rural populations.

But killings have not been limited to the seventies and eighties. Political violence in this decade has been more targeted, most notably against teachers, human rights workers, and politicians. In 1994, the Guatemalan Catholic Church reported that there were some 356 political killings and another 40 cases of forced disappearances. Almost none of these cases have been resolved.

Thanks in large measure to the efforts of the U.N.-facilitated peace negotiations, the parties to the conflict have been making progress in reaching a diplomatic solution to their differences. Agreement has already been finalized in a number of areas of mutual concern.

On March 29, 1994, the parties signed a global accord on human rights that sets forth basic human rights principles. This agreement also resulted in the deployment of a U.N. human rights verification mission to Guatemala early in 1995 in order to monitor compliance with that agreement. In the most recent report of the U.N. verification mission, it found that "impunity remains the most serious obstacle to the enjoyment of human rights in Guatemala, despite the manifest concern and commitment of the President of the republic to combat it".

The Guatemalan military and security forces, like every other sector of Guatemalan society, must demonstrate that they are not above the law, that their members will be held accountable for illegal acts. The first step in making this a reality is a demonstration such forces that they are prepared to cooperate in bringing to justice those within their ranks responsible for some of the most notorious human rights abuses—most notably the murder of U.S. citizen Michael DeVine.

The pending amendment is intended to prod those in control of the military and security forces to take demonstrable steps to end nearly 40 years of impunity. Mr. President, I believe that this amendment has been carefully targeted to lend support to the President of Guatemala in his efforts to reorganize the military and security forces and to institute civilian control over such forces in the context of a final peace agreement. I would urge my colleagues to support this amendment.

FOREIGN OPERATIONS APPROPRIATIONS—AMENDMENT NO. 2743

Mr. LEAHY. Mr. President, this amendment, which I cosponsored with Senator DODD and which was also cosponsored by Senators KERRY and MURRAY, aims to address the travesty that has been going on in Guatemala for as long as most of us can remember.

Guatemala is now the only country in Central America still plagued by civil war. It is winding down, but it continues to claim innocent lives, and it is an excuse for continuing human rights atrocities by the Guatemalan Armed Forces, as well as the URNG guerrillas.

But it is the Guatemalan Armed Forces, and their armed supporters, that are guilty of the majority of these crimes. Their victims are students, nuns, journalists, human rights lawyers, union organizers—anyone who dares speak out about Government corruption or Government-sponsored violence.

The estimate of the number of killed and disappeared ranges from 40-70,000, over the past three decades. In any given week, the toll is staggering. Death threats, disappearances, and extrajudicial executions are routine in human rights reports on Guatemala.

Let me describe some recent incidents. In May of this year, nearly 100 bodies were found with signs of torture—an increase in extrajudicial executions by 40 percent, with 195 violent deaths reported.

In June, a teacher was abducted, 21 judges were threatened with death, a 17-year-old street youth was shot to death by a member of the National Police, several bodies of disappeared persons were found, a union leader was abducted, beaten, and raped, a former judge was attacked for the third time with a bomb, high school student leaders were harassed by armed men—who reportedly tried to abduct them, a Congressman was attacked, and the remains of hundreds of people in mass graves were exhumed.

On June 14, several religious organizations and human rights advocates signed a letter to President Clinton, asking that an independent human rights expert be appointed to undertake a full investigation into human rights violations in Guatemala. On Father's Day, a march was organized for children of disappeared parents. "The father who took care of us was taken away," said one of the children at a press conference. "He did not come back and we never heard from him again."

For years, the Congress has passed resolutions, written letters, cut off aid. We have tried to get the Guatemalan Army's attention, to no avail. There has been virtually no progress in bringing to justice those responsible for any of the thousands of human rights abuses.

Jennifer Harbury, a U.S. lawyer, lost her husband 3 years ago and has been searching for him ever since. His name is Efrain Bamaca Velasquez. He was murdered after being tortured. There is evidence that a Guatemalan colonel, paid by the CIA, may have been involved in Bamaca's torture and death, as well as the death of American Michael DeVine.

A Guatemalan officer who was convicted in the DeVine case mysteriously escaped from prison the next day, and has not been seen since. Efrain Bamaca's fate remains unknown, and the Guatemalan army has obstructed justice every step of the way. Despite a court order, they have refused to permit a special prosecutor to excavate where Bamaca's body, and the bodies of many others, are believed to be buried.

Mr. President, I am not going to take the time to repeat the details. I have spoken before about the Harbury case, the DeVine case, about numerous other human rights cases in Guatemala over the years.

Guatemala's President de Leon Carpio is doing his best, and he deserves credit for keeping the peace negotiations moving forward, enabling U.N. human rights monitors to take up residence in Guatemala, supporting democratic elections, and taking some steps to improve human rights. But impunity among the army and civil patrols remains the central problem. There is no justice when a member of the armed forces is involved.

This amendment makes it clear who is the problem. It praises President de Leon Carpio, who deserves our support. But it prohibits any assistance to the armed forces and the URNG, any sales of military equipment, and cuts off visas for any member of the armed forces and URNG who are suspected of involvement in human rights violations, or of covering up such crimes.

These restrictions will end when the President certifies that the Guatemalan armed forces are fully cooperating in solving these crimes, and in carrying out the recommendations of the U.N. monitors.

I am not among those who believes that everyone in the Guatemalan army is corrupt, or guilty of crimes. Far from it. I know some honorable, honest Guatemalan officers who are disgusted by what some of their fellow officers do. I also know that there are honorable members of the URNG who are fighting because for years they were excluded from the political process, but that is changing. This amendment is aimed at the bad apples. It is time for all Guatemalans who believe in respecting human rights, in justice, to stand up for it, and to end the impunity once and for all.

AMENDMENT NO. 2744

(Purpose: To permit the continued provision of assistance to Burma only if certain conditions are satisfied)

On page 104, strike lines 7 through 10 and insert the following:

SEC. 570. None of the funds made available in this Act may be used for international narcotics control assistance under chapter 8 of part I of the Foreign Assistance Act of 1961, or crop substitution assistance, directly for the Government of Burma unless the Secretary of State certifies to the appropriate congressional committees that any such programs are fully consistent with United States human rights concerns in Burma and serve a vital United States national interest. The President shall include in the annual International Narcotics Control Strategy Report submitted under chapter 8 of part I of the Foreign Assistance Act of 1961 a description of the programs funded under this section.

Mr. KERRY. Mr. President, I rise in support of my colleague from Arizona's amendment to restore authority for the State Department to use funds for counter narcotics efforts and crop substitution programs in Burma as long as the President certifies that any such program is fully consistent with human rights concerns and serves vital United States interests.

Human rights is an issue of extreme importance and deep concern to every Senator in this Chamber, and must remain a significant element in our dealings around the world, and no Senator is more committed to the issue than Senator MCCAIN.

His amendment is a commonsense amendment that gives the United States the necessary flexibility to act in its interest in a nation which provides 60 percent of the heroin smuggled into this country. To prohibit counternarcotics efforts would be ill-advised and counterproductive.

Whatever our deep and abiding concern for human rights, it is important to note, Mr. President, that Burma's most noted victim of human rights violations, Aung San Suu Kyi, supports drug control efforts in her country, and that, Mr. President, is the best argument for support of the McCain amendment.

We have three important objectives in Burma—democracy, counter-narcotics, and human rights. All three demand our attention and our support; but common sense would tell us that we cannot diminish potential success in any of these areas because of specific failures in another as long as we are sensitive to the impact of our actions on overall diplomatic progress.

Mr. President, the State Department is well aware of congressional concerns and I fully anticipate that it will conduct counternarcotics efforts consistent with our overall international policy and in consultation with the Congress.

I think, therefore, that this is a commonsense amendment that allows us to do what we need to do to fight the drug problem at its source while recognizing the limitations of our involvement and maintaining a strong focus on human rights.

I would urge support of the Senator from Arizona's amendment, and I yield the floor.

Mr. MCCAIN. Mr. President, this amendment would modify the provision in the underlying bill that prohibits funding for international narcotics control assistance in Burma. The amendment would modify that prohibition by permitting such assistance only if the Secretary of State certifies to Congress that such programs are fully consistent with United States human rights concerns in Burma, and that they serve a vital United States national interest.

That vital national interest is obvious, Mr. President. Sixty percent of the heroin that comes to this country originates in Burma—60 percent. We have a compelling, urgent responsibility to do whatever we can to eliminate or at least reduce Burma's export of that dangerous narcotic. Without a strategy that addresses the heroin trade in Burma, we have no effective antinarcotic program at all.

I can well understand the Senate's desire to influence the Burmese regime's treatment of the Burmese people. That treatment has been abominable and well deserves our severe reproach. I visited Burma last March and was exposed to a pretty representative sampling of how abominable that treatment has been and continues to be.

Daw Aung San Suu Kyi's release was a very welcome development. But in and of itself it does not represent evidence of political reform or even an indication of progress toward an objective standard of human rights in Burma. Burma has a very long way to go.

I know the authors of this provision feel very strongly, as do I, that the United States must actively support the cause of human freedom in Burma, and make it unmistakably clear to Burma's State Law and Order Restoration Council, the SLORC, that the United States, indeed, all of the civilized world expect them to begin respecting the will and the rights of the Burmese people.

But what I have difficulty understanding is why we must refrain from acting in our own national interest while we attempt to act in the interest of the Burmese people. I could understand the objective of this provision if it stated that no funds for drug control could be made available directly to the SLORC. I would not support this assistance either if the State Department were proposing to simply provide money to the SLORC with the promise that the SLORC would use it to eradicate poppy fields. It is quite probable that such funds would be used by the SLORC to further oppress ethnic minorities in Burma, like the Wa.

But, Mr. President, that is not what the administration proposed to do with this assistance. First, it is a relatively small amount of money that we are talking about, with most of it going to the efforts of the U.N. Drug Control Program [UNDCP] in Burma; $2 million would be provided to the U.N. to work with ethnic minorities on crop substitution and other programs intended to begin making some, although admittedly small, progress in reducing poppy cultivation. None of that assistance would be funneled through the SLORC.

A limited—a very limited amount of assistance, $50 thousand, I believe—would be provided to train Burmese customs officials. But I fail to see the harm in that, given that the amount is so small, and the need for better Burmese control of drug smuggling at the borders so obvious.

Mr. President, $2 million isn't going to solve America's heroin problem. But

I do not see how we begin to get any control over that problem absent some kind of program in Burma.

Opium production in Burma has skyrocketed in recent years. It is, by far, the largest heroin producing country in the world. Again, 60 percent of heroin in the United States originates in Burma.

The enormous increase in heroin production globally has substantially reduced the street price of heroin while simultaneously increasing the purity, and consequently, the lethality of the drug. Overdoses—fatal overdoses—have increased rapidly in the United States.

Sadly, as long as there is demand for heroin, we will never be able to keep it out of all our children's hands. But if in Burma and elsewhere our efforts make some progress in restricting the flow of heroin to the United States, we will make the drug more expensive and less readily available on our streets than it is today.

Mr. President, before I conclude, I should also add that in meetings attended by American Embassy officials in Rangoon, Daw Aung San Suu Kyi, had no objections to counternarcotics programs in Burma. While advising that the U.N. counternarcotics effort in Burma be closely monitored—as it should be, she also understood the importance of reducing poppy cultivation. Further, she observed that the U.N. Burma program employs many prodemocracy supporters.

I am convinced that the counternarcotics assistance envisioned for Burma is consistent with our human rights goals in Burma. But, I repeat, to ensure that it remains so, this amendment requires the Secretary to certify that all the program which our assistance would support are fully consistent with our human rights concerns in Burma.

Mr. President, I believe—as we have in many other countries—the United States can advance or values and protect our national interests in Burma simultaneously. They are not mutually exclusive, and should not be treated so.

I commend the Senator of Kentucky and also the Senator from Vermont for their abiding concern for the rights of the people of Burma. I understand the motive—the very decent motive—for authoring the provision I seek to amend. My only concern is over this particular approach to achieving a very worthy objective. So let us find a way to advance the cause of freedom in Burma and reduce the flow of heroin to the streets of America.

AMENDMENT NO. 2745

(Purpose: To express the Sense of the Senate concerning the provision of spare parts and other military equipment to Peru)

At the appropriate place add the following new section:

SEC. . (a) The Senate finds the following:

(1) Since March 1995 the Peruvian government has engaged in an aggressive air interdiction program to prevent narcotics traffickers from violating Peruvian airspace for the purpose of transporting illegal narcotics to Colombia.

(2) As a result of the Peruvian interdiction program, the number of illicit flights detected in recent months has dropped to its lowest level in over three years and the price of transporting narcotics out of Peru has risen by as much as 500 percent.

(3) The inability of the traffickers to move cocaine base out of Peru has produced a glut of coca leaf and cocaine base in Peru with a resulting 50 percent decline in the price.

(4) The Peruvian government's ability to sustain the success of its interdiction program is dependent on the maintenance and upkeep of a very limited number of aircraft.

(5) As a result of the internal Peruvian political situation and the conflict earlier this year between Peru and Ecuador, the United States suspended military transfers to Peru.

(6) As much as 80 percent of the cocaine that reaches the United States comes from coca grown in Peru and the disruption of the air corridor between Peru and Colombia is important to United States counter narcotics efforts.

(7) The situation which led to the cutoff of military equipment for the air interdiction effort have been satisfactorily resolved or have progressed to a point where the cutoff of this military equipment is no longer in the interest of the United States.

(b) It is the Sense of the Senate that the President should, as soon as possible, provide limited spare parts and other military equipment to the government of Peru in support of Peruvian Air Force efforts to monitor, intercept and interdict aircraft and other forms of transportation engaged in illegal narcotics trafficking activities.

Mr. KERRY. Mr. President, last Friday the New York Times reported rather substantial increases in the price of cocaine on the streets of New York City. The article attributed this price rise to the recent arrests in Colombia of six of the seven biggest drug kingpins.

Certainly the decapitation of the Cali cartel has played an important part in disrupting the supply of cocaine, but we should not overlook the other factors at work here. I want to draw particular attention to the efforts undertaken by the Governments of Peru and Colombia to shut down illicit narcotics flights between their countries.

This air interdiction program was made possible by an amendment adopted last year by Senate during consideration of the Defense authorization bill. That amendment removed a legal impediment to sharing United States intelligence information with Peru and Colombia.

Since our intelligence sharing began earlier this year, the Peruvian and Colombian Air Forces have seized aircraft, destroyed them on the ground, forced them down and, as a last resort after complying with strict verification procedures, shot them down.

The resulting disruption in the flow of cocaine and cocaine base out of Peru has been impressive. The number of illicit flights detected in May, June, and July was the lowest level in 3½ years.

The price of transporting narcotics out of Peru has risen by as much as 500 percent. In many cases the traffickers cannot hire pilots at any price.

Constricting the flow of drugs through this critical choke point has led to an oversupply of coca leaf and cocaine base in Peru, the source country for 80 percent of the cocaine that reaches our streets.

This glut has caused the price of coca leaf and cocaine base to plummet. In parts of Peru the price is down 50 percent and there are scattered reports of farmers abandoning coca fields because it is not worth their effort to harvest the crop.

Unfortunately the air interdiction effort that is producing these noteworthy results faces a serious problem. The Peruvians cannot obtain spare parts from the United States for the A-37 aircraft that they use to intercept the traffickers planes.

The United States suspended the transfer of these parts in 1991 when President Fujimori dissolved the Peruvian legislature and threw out the constitution. The situation was further complicated by the conflict earlier this year between Peru and Ecuador.

The conditions which led to the cutoff of military equipment have evolved to the point where it is no longer productive to continue denying these parts. President Fujimori was overwhelmingly reelected in May and a cease fire holds sway in the border conflict with Ecuador. This amendment is offered as a way to encourage to the administration to rethink and modify its position.

I know that the distinguished Senator from Vermont and others have concerns bout the human rights record of the Peruvian military and I share those concerns. This amendment should not be interpreted as an attempt to open the flood gates for broad military assistance.

The only assistance I am encouraging is equipment for the interdiction program that is already in the pipeline. The Peruvian military needs to make much more progress in the area of respect for human rights before the United States should consider other forms of assistance.

It would be a travesty if the Peruvians were forced to shut down this program because the United States would not send spare parts for two airplanes. Keeping cocaine in Peru, keeps cocaine off our school yards and street corners. I encourage the Senate to adopt this amendment.

I ask unanimous consent to have the article printed in the RECORD.

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

[From the New York Time, Sept. 15, 1995]

COLOMBIA ARRESTS RAISE PRICE OF COCAINE IN NEW YORK CITY

(By Clifford Kauss)

Only a few months after the Colombian Government began arresting the top leaders

of the Cali drug cartel, law enforcement officials said the supply and potency of cocaine in New York City is dwindling, forcing wholesale and street prices to soar.

In what officials described as the most precipitous shift in almost six years, the wholesale price of cocaine has increased nearly 50 percent since May, while retail prices have gone up 30 percent. Similar increases, they said, are evident in other big Eastern cities dependent on New York-based Cali operatives for supplies.

In addition, they said, recent seizures and intelligence indicate that the size and number of shipments of cocaine into the New York area have declined. Only four months ago, Federal agents say, shipments weighing 1,000 pounds or more were coming into the city in trucks, ships and airplanes; now, they typically weigh less than 200 pounds.

The shifts are also evident in the city's drug markets. Drug dealers in Washington Square Park said this week that the same gram of cocaine that sold for $50 in May now goes for $80, an increase that they said was beginning to drive away younger buyers who come to Greenwich Village from New Jersey.

"I've been around 39 years," said one Washington Square dealer, whispering as he gave knowing glances to prospective buyers walking through the park. "So I know when they bust the big guys in Colombia, that's when the coke goes up."

Law enforcement authorities cautioned that the shifts in supply and price might be temporary, evidence of another periodic realignment of international trafficking networks with little long-lasting importance. But they said that the declining sizes of cocaine shipments and five recent fatal shootings between competing drug gangs in Queens appeared to be strong signs that the world's richest drug trafficking organization is at least going through a painful period of adjustment.

"Maybe it's only a breather that is benefiting the community," said Peter A. Crusco, chief of narcotics investigations in the Queens District Attorney's office. "But relatively little is coming in. The big-level people are not risking moving the cocaine."

Officials say cocaine buyers can still find the drug in neighborhoods across the city, but New York police officials say laboratory tests show that dealers are now mixing their small bags and tins of cocaine powder with 30 percent more sugar or baking powder to stretch supplies.

On the other hand, officials say supplies and prices of crack—the cocaine-based drug of choice among many poor users—have not been affected, because its purity is low to begin with and abusers need little to become intoxicated.

Though they are encouraged by the tightened supply of cocaine, some police officials expressed concern that shortages of cocaine could eventually increase demand for heroin, which is already gaining in popularity and is mostly distributed by organized crime groups that compete with the Cali cartel.

They also worry that if drug profits continue to be stretched, street gangs competing for customers, territory and supplies could turn more violent, much as they did when crack first became popular in the late 1980's.

Investigators said information collected through wiretaps and informers indicate that supplies of cocaine are being held up in Colombia and Mexico, where they are stockpiled before moving across the border, because the leaders who once personally supervised their release are in jail or on the run.

Middle-level traffickers, the wiretaps and informers indicated, are holding back shipments, in part because they feared that the captured leaders might be trading information about cartel operations in exchange for more lenient treatment.

"The one person who moved the cocaine between Colombia and Mexico, Miguel Angel Rodriguez Orejuela, is out of commission for at least the moment," said a senior Drug Enforcement Administration official who spoke on condition that he not be named. "One can logically surmise that right now there is a quandary, a state of confusion, and problems with people hooking up with the traffickers both in Colombia and Mexico."

The most striking effect of the arrests in Colombia have so far been at the wholesale level of the drug trade, officials said. Responding to the decreased supplies, several law enforcement officials said top cocaine dealers have increased their prices to their largest distributors to an average of $26,000 per kilogram, from $18,000 only four months ago.

In Detroit, the Drug Enforcement Administration has reported an increase in wholesale prices from $22,000 to $32,000 per kilogram in the last two months alone.

A bodega owner in Washington Heights with broad knowledge of the cocaine trade in New York said the recent increase had forced middle-level dealers to drop some street sellers, shave profits, dilute their inventory and hoard supplies in case the current shortages continued.

"A lot of people are just holding onto their good stuff for when prices really go up," he said.

The last time cocaine prices in New York rose so much and so fast was in late 1989, when a shooting war broke out between the Medellin cartel and the Colombian Government. The Medellin group never recovered, but within months the Cali cartel picked up the trafficking slack, and prices returned to normal levels.

State Department and law enforcement officials said that Mexican trafficking groups and smaller Colombian cartels operating on Colombia's northern coast are now jockeying for new markets. Mexican traffickers have already taken control of much of the cocaine market in the Southwest, they said, and wholesale prices there have not risen as sharply as in New York.

But Thomas A. Constantine, the head of the Drug Enforcement Administration, said in a recent interview that there was no cartel waiting in the wings that could match the Cali group's financial resources, political clout in Colombia, and international trafficking connections.

"Nobody out there even compares," he said, saying that the Cali group had already surpassed the Medellin cartel in sophistication and resources at the time of the Medellin group's downfall.

But Mr. Constantine and other officials cautioned that it was too soon to tell how harshly the Colombian authorities would punish the six top Cali leaders they captured this year. United States officials noted that the cartel leaders were able to negotiate some of the terms of their surrender, and none have suffered confiscations of ill-gotten gains like their mountainside mansions or fleets of yachts.

In addition, the United States officials say, the cartel leaders are still able to communicate with their lieutenants sporadically through family members who visit them in jail and by paying off guards. But perhaps because their telephone conversations are being monitored, the officials say, they have not directed their underlings to release huge loads of cocaine warehoused in Colombia and Mexico.

Whatever the long-term impact, law-enforcement officials say, the latest price rises demonstrate that the cartel's top leaders direct the most minute details of their cocaine wholesale operations in the New York area. Recent captures of cartel records include items like personnel evaluations and Con Edison bills.

"We have done investigations involving wiretaps," said Robert H. Silbering, the Special Assistant District Attorney in charge of citywide narcotics cases, "that show a direct link from the streets of New York to the estates of Cali."

Mr. LEAHY. Mr. President, I have agreed to accept this amendment, because it is narrowly written and deals only with the authority to provide spare parts for Peruvian aircraft used in the drug interdiction program. It does not authorize funds on equipment for the Peruvian Army. We prohibit military aid to Peru in this bill on account of longstanding human rights concerns. We do not want to undermine that policy in any way, by providing equipment to the army for any purpose.

However, this amendment would not do that. It only permits the delivery of spare parts to permit the Peruvian Air Force to operate its drug interdiction aircraft, which I am told by the sponsor of the amendment, Senator KERRY, are having an effect. I am willing to see that effort continue if it is helping interrupt the flow of cocaine, but I cannot agree to any assistance to the Peruvian Army.

AMENDMENT NO. 2746

(Purpose: To ensure that the current proportion of economic assistance continues to be channeled through private and voluntary organizations and cooperatives)

On page 9, insert after the end of line 8 the following: "*Provided further*, That the President shall seek to ensure that the percentage of funds made available under this heading for the activities of private and voluntary organizations and cooperatives is at least equal to the percentage of funds made available pursuant to corresponding authorities in law for the activities of private and voluntary organizations and cooperatives in fiscal year 1995:".

Mr. PELL. Mr. President, I offer an amendment in support of the excellent work done by private, voluntary organizations and cooperatives, I believe my amendment will be acceptable to both sides. It is cosponsored by Senators MIKULSKI, SARBANES, and SIMON.

My amendment is very simple. It says that the President shall seek to ensure that the same percentage of our economic assistance that currently is channeled through PVOs, continues to be channeled through PVOs next year. This language is identical to a provision that was included in the foreign aid authorization bill reported by the Foreign Relations Committee, and it is similar to a provision in the House-passed foreign operations appropriations bill.

I think this amendment is important because private, voluntary organizations—PVOs—are our most cost-effective vehicle for delivering foreign assistance, and in this era of shrinking budgets we simply cannot afford to abandon our partnership with them. PVOs operate in countries and circumstances in which our government cannot or will not. They not only reflect American values and generosity, but are an efficient means of delivering people-to-people assistance that has a positive and lasting impact on the lives of the poor and builds long-term friendships for the United States.

In addition to commanding broad public support, our partnership with PVOs and cooperatives leverages vast private resources. Much of the assistance we provide through PVOs is matched by contributions from corporations and private individuals. Thus reductions in the level of PVO participation in our foreign aid program could have a very damaging multiplier effect.

Unfortunately, it appears that some cuts in development assistance are unavoidable. My amendment simply seeks to ensure that PVOs are not cut disproportionately. I think it is critical that the Senate go on record in support of the tremendous work done by these organizations and I would urge that the Senate adopt my amendment.

AMENDMENT NO. 2747

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

Of the funds appropriated for Turkey under the heading "Economic Assistance", not less than $5 million shall be made available only through non-government organizations to be used only for projects in the ten southeastern provinces currently under a state of emergency, and shall be used only for projects designed to promote economic development, cultural and ethnic tolerance, and human rights activities, and to support the development and activities of non-governmental organizations.

Mr. PELL. Mr. President, I am offering an amendment that directs that a small amount of our overall assistance to Turkey be used by nongovernmental organizations for specific activities in the poorest part of Turkey—the southeast. Specifically, the amendment designates that not less than $5 million of our aid to Turkey be used for projects designed to promote economic development, cultural and ethnic tolerance, and human rights activities, and to support the development and activities of nongovernmental organizations in the southeast. The southeast, of course, is a traditionally Kurdish area where Kurds are caught in a vise between PKK terrorism and the Turkish military.

Earlier this week, I released a report on Turkey prepared by members of the minority staff of the Foreign Relations Committee. The report, which was based upon a trip that the staff conducted in August, found, among other things, that the Kurdistan Workers' Party [PKK] poses a grave threat not only to Turkey, but to regional stability as well. According to the report, the PKK bears direct responsibility for much of the tensions in southeast Turkey and for prompting the recent Turkish invasions of Iraq.

The report also found, however, that the Government of Turkey bears much of the responsibility for the continued suffering in the southeast. The report acknowledges the great political challenges Prime Minister Ciller faces as she tries to address the Kurdish problem—a fact borne out by developments of the last several days by the fall of her government. The bottom line, however, is that the government has been unable—or unwilling—to distinguish the genuine threat posed by the PKK from the legitimate rights and aspirations of the Kurdish people. As a result, Turkey refuses to engage in a political dialog with nonviolent Kurdish representatives, and is executing a heavy-handed, indiscriminate military campaign to eradicate what it views as a monolithic threat to the unity of the country.

By equating all Kurdish aspirations with the terrorist designs of the PKK, Turkey effectively has eliminated outlets for nonviolent Kurdish political or cultural expression. As a consequence, Turkey unintentionally may be contributing to the PKK's appeal. I believe it is important to encourage Turkey to offer Kurds and other groups outlets for nonviolent expression.

One response to the well-chronicled Turkish rights violations has been to cut assistance. In fact, as many of my colleagues may be aware, the House voted to limit economic support funds for Turkey to $21 million. I propose that we take a different approach by addressing some of the very real economic needs Turkey is facing in the southeast—and to do so through nongovernmental organizations.

The Foreign Relations Committee staff visited Diyarbakir, one of the main cities in the southeast, which in many ways symbolizes the ethnic difficulties that persist within Turkey. That city has become a haven for rural Kurds forced to evacuate neighboring towns and villages destroyed by the Turkish military. By some estimates, the city's population has grown from roughly 300,000 to more an 1,500,000 during the past 5 years. Although Turkish officials, local residents, and some independent observers suggest that tensions have subsided during the past 2 years, it is evident that any existing calm is tenuous and the result of Turkey's overwhelming—and at times oppressive—security presence, which has exacted a high cost in terms of human rights violations. I believe that my amendment would have a positive impact by improving economic conditions in a very unstable area.

This amendment also sends an important message to Turkey—as it faces the challenge of forming a new government—about the need to address other underlying problems such as the lack of ethnic and cultural acceptance and human rights abuses in the southeast. Turkish officials speak of the need to increase stability in the southeast. True stability can only come with increased tolerance. This amendment is intended to bolster that effort.

AMENDMENT NO. 2748

On page 36, line 4, after the word "Turkey" insert the following: ": *Provided further*, That the President should seek the agreement of the Prime Minister of Turkey to permit access throughout Turkey for international humanitarian organizations which operate confidentially, and report to the Committee on Appropriations by June 1, 1996, on progress towards such agreement".

AMENDMENT NO. 2749

(Purpose: To amend the NATO Participation Act of 1994 to expedite the transition to full membership in and cooperation with the North Atlantic Treaty Organization of European countries emerging from Communist domination)

On page 121, below line 24, add the following:

TITLE VII—NATO PARTICIPATION ACT AMENDMENTS OF 1995

SECTION 701. SHORT TITLE.

This title may be cited as the "NATO Participation Act Amendments of 1995".

SEC. 702. 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 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 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) Nothing in this title should be construed as precluding the eventual NATO membership of European countries never under Communist domination, namely, Austria, Finland, and Sweden.

(17) The provision of NATO transition assistance should include those countries most ready for closer ties with NATO and should be designed to assist other countries meeting specified criteria of eligibility to move forward toward eventual NATO membership.

(18) The evaluation of future membership in NATO for countries emerging from Communist domination should be based on the progress of those nations in meeting criteria for NATO transition assistance and evolving NATO criteria, which require enhancement of NATO's security and the approval of all NATO members.

SEC. 703. 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; and

(3) to work to define the political and security relationship between an enlarged NATO and the Russian Federation.

SEC. 704. 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 may provide expanded security assistance and other related assistance to 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 ELIGIBLE COUNTRIES.—

"(1) PRESIDENTIAL REVIEW AND REPORT.—Within 60 days of the enactment of the NATO Participation Act Amendments of 1995, the President shall transmit to the Congress an evaluation of Poland, Hungary, the Czech Republic, and Slovakia, as well as all other European countries emerging from Communist domination which have expressed an interest in joining NATO, in accordance with the criteria in paragraph (3) and specifically designate one or more of these countries to be eligible to receive assistance under the program established in subsection (a). The President shall provide a report of the country-by-country evaluation as well as an evaluation of each designated country's progress toward conformance with criteria for full NATO membership.

"(2) OTHER EUROPEAN COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—In addition to the country or countries designated pursuant to paragraph (1), the President may designate other European countries emerging from Communist domination. 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 meets the criteria specified in paragraph (3).

"(3) CRITERIA.—The criteria referred to in paragraph (2) are, with respect to each country, that the country—

"(A) has made or is making 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) is not ineligible 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; and

"(D) could, within five years of the determination of the President under paragraph (1) or (2), 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.

"(4) PROHIBITION ON FUNDING FOR PARTNERSHIP FOR PEACE ACTIVITIES OR ON FUNDING FOR THE WARSAW INITIATIVE.—Effective 60 days after the date of enactment of the NATO Participation Act Amendments of 1995, no funds authorized to be appropriated under any provision of law may be obligated or expended for activities associated with the Partnership for Peace program or the Warsaw Initiative until the President has designated at least one country to participate in the transition program established under subsection (a).".

(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) Assistance 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 articles costs for countries designated for both grant lethal and nonlethal excess defense articles.

"(I) Authority to convert FMF loans to grants, and grants to loans, for eligible countries.

(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), $5,000,000 for fiscal year 1996 and $5,000,000 for fiscal year 1997 should support—

"(A) the attendance of additional military personnel of countries designated under subsection (d)(1) or (d)(2), particularly 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. 705. ASSISTANCE FOR NATO PARTICIPATION ACT DESIGNEES.

The President is authorized to obligate and expend $60,000,000 from funds made available under the Foreign Assistance Act of 1961 in support of countries designated to receive transition assistance under section 203(a) of the NATO Participation Act, as follows:

(1) Poland: $20,000,000.

(2) Czech Republic: $10,000,000.

(3) Hungary: $5,000,000.

(4) Slovakia: $5,000,000.

(5) Other European countries designated under subsection (d)(1) or subsection (d)(2): $20,000,000.

SEC. 706. 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.

"(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 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. 707. 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 705(1) of this Act, 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 criteria for NATO membership set forth by the North Atlantic Council, 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. 708. 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, Moldova, Poland, Romania, Slovakia, Slovenia, and Ukraine.".

Mr. ROTH. Mr. President, I rise as a cosponsor of the Brown amendment—the NATO Participation Act Amendments of 1995.

No other issue is more crucial to European security than NATO's relationship with Central and Eastern Europe. Today, we are in the midst of an historical era, an era of transition. It is a phase in which the strategic landscape of Europe is particularly malleable—a phase that will not last forever. How the Alliance manages its relationship with the nations of this region during this period will determine whether or not Europe will ultimately have the benefits of an enduring and stable peace.

Careful, gradual, but undeterred enlargement of NATO should be the geopolitical priority of America's Europe policy. The Alliance is uniquely qualified to provide the institutional foundation for regional security and peace. No other institution combines the two necessary requisites to serve in this role: a transatlantic dimension and proven operational capability.

The Brown amendment explicitly endorses and facilitates a process of NATO expansion. Passage of this amendment is an important step toward establishing a system of European security consisting of two pillars: an enlarged NATO and a strategic partnership between the Alliance and Russia.

Since I have endorsed this legislation before in this Chamber, allow me, Mr. President, to briefly review the key reasons why we should support the process of NATO enlargement and why we should vote for the NATO Participation Act Amendments of 1995:

First, extending the Alliance's membership to the nations of Central and Eastern Europe, beginning with Poland, Czechia, Slovakia, and Hungary, will help transform this region from a source of instability into a cornerstone of peace. Both recent and long-term history show us that the region's strategic vulnerability has been a source of danger on the continent—with calamitous consequences that drew the United States into two World Wars.

Second, NATO enlargement would help facilitate the economic and political integration of this region into the West. Passage of this amendment would demonstrate America's commitment to consolidating an enlarged Europe, and it would give more incentive to all the nations of Central and Eastern Europe to continue their reforms.

Third, the extension of NATO membership to Central and Eastern Europe would positively influence the evolution of two great powers, Germany and Russia. These two nations are now undergoing very complex and sensitive transformations. The outcomes will be significantly shaped by the future of Central and Eastern Europe. NATO enlargement would further lock German interests into a transatlantic security structure and thereby consolidate the positive role Bonn plays in European affairs.

Moreover, and this leads to my fourth point, NATO enlargement into Central and Eastern Europe benefits Russia. By enhancing and reinforcing stability in Eastern Europe, an enlarged NATO would bring greater stability to Russia's frontiers and would enable Russia to direct more of its energy to the internal challenges of political and economic reform.

Mr. President, this point is too often forgotten in this debate. There has been too strong a tendency in United States policy to overreact to outdated Russian sensitivities at the expense of strategic realities and objectives central to the interests of the Alliance, as well as to the United States.

Finally, Mr. President, let me emphasize the NATO Participation Act Amendments endorse a vision of European security in a manner fully consistent with the spirit and charter of the Washington Treaty. It calls upon the President to undertake programs that will help the nations of Central and Eastern Europe prepare themselves for the responsibilities of NATO membership,

Enlargement is a process for which the Alliance has always been geared. Indeed, Article 10 of the Washington Treaty provides for the enlargement of the Alliance to any European state "in a position to further the principals of this Treaty and to contribute to the security of the North Atlantic area."

Mr. President, America's policies toward Europe must be structured to shape a strategic landscape that enhances economic, political, and military stability in all parts of Europe. This is in our Nation's best interest, and it is the intent of the NATO Participation Act Amendments to see such policies embraced. For this reason, I

call upon my colleagues to pass this legislation.

Mr. PELL. Mr. President, I want to thank the Senator from Colorado for working with me and others to revise S. 602, the NATO Participation Act Amendments of 1995, which he and Senator SIMON introduced earlier this year. While there are still a few changes that I hope we can make down the road, I share the amendment's goal of assisting our friends in Central and Eastern Europe to make the transition from Communist domination to greater integration with the rest of Europe. I believe that overall, the amendment before us is a vast improvement over S. 602, and I will support it.

NATO expansion is very important. In fact, the United States has taken the lead within the Alliance to address the issues thoroughly and expeditiously. Stepping up security assistance to former Communist states is critical to the Partnership for Peace initiative as well as to NATO expansion. The administration has already put forth a proposal—the Warsaw Initiative—to facilitate the participation of democratic European states in Partnership for Peace activities. The Brown-Simon amendment complements what the President is already doing in this regard. This amendment does not alter the fact that Partnership for Peace is becoming an important feature of the European security system.

This amendment sets up a series of eligibility criteria for countries to receive additional assistance leading to the transition to full NATO membership. The criteria, which include having a democratic government and a free market economy, civilian control of the military and the intelligence services, adherence to OSCE principles, and a commitment to prevent the sale of defense articles to terrorist states, are quite appropriate and reasonable.

I want to be clear, however, that adoption of this amendment should not be taken as a signal that Congress can deem that certain countries are more ready than others for NATO membership. The 16 NATO countries have a process in place for addressing the expansion issue. That is as it should be. NATO has almost completed its internal study of expansion, which will be made public as early as next week. Then NATO will begin briefing Partnership for Peace members regarding expansion.

Under Senator LUGAR's leadership, the European Subcommittee is conducting a series of hearings to examine NATO expansion issues. To date, the subcommittee hearings have shown that the issue of expansion has not been thoroughly examined or vetted by the Congress or by the American public. The costs and responsibilities of NATO expansion have not been thoroughly examined. Therefore, any unilateral congressional determination as to which countries are ready for NATO membership is inappropriate.

This amendment does not make a pronouncement regarding NATO membership. It simply authorizes the President to help countries that are already members of Partnership for Peace, and that may be interested in full NATO membership.

I believe that this amendment strikes an appropriate balance between encouraging the administration to reach out to our friends in Central and Eastern Europe on the one hand and supporting the process among our NATO allies on the other.

AMENDMENT NO. 2750

(Purpose: To provide a substitute for the provision relating to the Korean Peninsula Energy Development Organization)

Strike all after "that" on p. 108 line 18 through line 10 on page 109, and insert in lieu thereof the following:

(a) in accordance with Section I of the Agreed Framework, KEDO has designated a Republic of Korea company, corporation or entity for the purpose of negotiating a prime contract to carry out construction of the light water reactors provided for in the Agreed Framework; and

(b) the DPRK is maintaining the freeze on its nuclear facilities as required in the Agreed Framework; and

(c) the United States is taking steps to assure that progress is made on (1) the North South dialogue, including efforts to reduce barriers to trade and investment, such as removing restrictions on travel, telecommunications services and financial transactions; and (2) implementation of the January 1, 1992 Joint Declaration on the Denuclearization of the Korean Peninsula.

(d) A report on the specific efforts with regard to subsection (c) shall be submitted by the President to the Committees on Appropriations six months after the date of enactment, and every six months thereafter.

Mr. MCCONNELL. Mr. President, the language in the bill takes the standards for improvements in the United States relationship with North Korea and applies them to the North-South relationship. In other words, the language codifies what I believe is our policy of parallel progress between North and South and the United States relationship with the North.

There is real concern that each time the North Koreans want something new in the way of equipment, economic assistance, or a concession, they threaten to lift the freeze.

We then inch closer in our bilateral relationship. My concern has been that this has been at the expense of the long-standing United States alliance with the South. Ultimately, I think the North is determined to drive a wedge between the South and the United States. And, their strategy seems to be working. We have responded to threats by canceling joint military exercises, offering unconditional economic aid in the form of oil, while insisting on no clear steps in the North-South dialog.

Let us keep in mind that in spite of the freeze, there is no date certain by which North Korea will come into full compliance with their treaty obligations. Indeed, I believe we have set a dangerous precedent in rewarding violations of the NPT with free reactors and economic aid.

And, the North's response? When the South recently sent a relief shipment of rice, the North captured the boat and held the crewmembers hostage.

I think it will have an adverse impact on stability on the peninsula if we trade away our current commitments to South Korea to secure the North's future compliance with their obligations under the NPT and IAEA safeguards agreement.

Talks are again underway on the next phase of implementing the Framework Agreement. It will not surprise anyone to learn that, once again, the North is linking a continuation of the freeze to being granted millions more in assistance.

This time, apparently they are interested in the equipment needed to build an energy distribution grid.

Like every Member of this body, I think a freeze on North Korea's nuclear program is important—but we need to lock in that freeze—to freeze it, if you will.

At this point, it has been reduced to a negotiating chip which the North keeps recycling. Every time they want something new, the North threatens to lift the freeze.

In the last round of talks, the North was adamant that no mention be made of South Korean participation in the provision of the light water reactor covered under the Framework Agreement.

To accommodate this demand, we negotiated an arrangement where the North agreed to allow KEDO to announce the contracting decision. KEDO, in turn, announced that a reactor originally based on a United States design but modified by the South would be the reactor provided.

I gather the ambiguity of this arrangement was unsatisfactory to the South but a private letter from President Clinton to President Kim Yong Sam was sufficiently reassuring that the South Korean administration agreed to go along.

Unfortunately, side letters do not bear the same official weight as obligations spelled out in agreements. Once again, the North seems to have achieved their goal of access to energy and easing economic pressure while minimizing contact with the South.

I think it is essential to clarify just what we expect in the North-South dialog. Ambiguity will ultimately invite challenge and confrontation.

The North's opposition to a clearly defined role for the South is the threat to stability. The danger does not lie in imposing obligations that are parallel and consistent with our own—the danger lies in abandoning our current security commitments to South Korea in

an attempt to obtain future compliance with IAEA and NPT requirements.

Mr. President, the principal objection the administration had to the restrictions I included in the Foreign Operations bill was the timetable I established for progress in the North-South dialog. I would like my colleagues to know that the timetable I included was exactly the same as the schedule the United States was expected to comply with in fulfilling obligations to normalize economic and political relations.

However, given the difficulty of the problem I can appreciate the administration not feeling able to move as rapidly as I would like, so I have modified the language to accommodate those concerns. The amendment I am offering on behalf of Senators BYRD, NUNN, HATFIELD, STEVENS, INOUYE, LEAHY, and myself balances our interest in clarifying our goals on the North-South dialog while giving the administration sufficient time and a measure of flexibility to advance those interests.

Mr. BYRD. Mr. President, I thank the distinguished chairman of the subcommittee, and manager of the bill, for his flexibility in accommodating my concerns over the provision in the bill on the Korean Framework Agreement. That agreement, concluded on October 21, 1994, if properly implemented, holds the promise of relaxing tensions on the Korean Peninsula, of steering the North Korean Government off its path of nuclear weapons development, and of reducing the long-term expenditure of resources by the United States to ensure the safety of South Korea.

The agreement mainly concerns obligations entered into between the United States and the North Korean Government, but also refers to the need for a dialog between the North and South Korean Governments as well. In provision III of the agreement, the North Korea Government has agreed to "engage in a North/South dialog, as this Agreed Framework will help create an atmosphere that promotes such dialogue." The amendment which has been offered encourages progress in this regard, in particular with reference to reducing North-South barriers toward trade and investment, including removing restrictions on travel, telecommunications services, and financial transactions. If such barriers are removed, much of the suspicion, fear, and anger that infuses the North-South relationship can be mitigated, and an atmosphere of peaceful cooperation could be fostered. Such a development is certainly in the national security interest of the United States.

The amendment also requires the President to certify that the North Koreans are maintaining their current freeze on nuclear facilities, which is required in the Framework Agreement. This is the quid pro quo for United States support to the South Korean and Japanese consortium to put into place new light water reactor powerplants in the North, which will help resolve the overall nuclear issue on the Korean Peninsula.

The administration supports this amendment, and I am pleased that Senators could reach this accommodation on the language in the bill. It supports America's vital leadership role to bring peace and an atmosphere of cooperation on the Korean Peninsula, and head off any further danger that the North Koreans might pursue a nuclear option which would lead to more tension and perhaps a conflict there.

I commend the chairman, and others who have contributed to this result.

AMENDMENT NO. 2751

On page 24, line 5 add the following after "services": "*Provided*, That these funds shall be in addition to funds justified for programs in the fiscal year 1996 congressional presentation documents."

AMENDMENT NO. 2752

(Purpose: To express the sense of the Congress regarding the recent elections in Hong Kong)

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

SEC. . HONG KONG ELECTIONS.

(a) FINDINGS.—The Congress finds the following:

(1) The right to an elected legislature in Hong Kong is guaranteed by the 1984 Sino-British Joint Declaration on the Question of Hong Kong.

(2) The United States-Hong Kong Policy Act declared the Congress's support for full implementation of the 1984 Sino-British Joint Declaration;

(3) The People's Republic of China declared in the Joint Declaration that Hong Kong would be "vested legislative, executive and independent judicial power" and would have "a legislature constituted by elections".

(4) On September 17, 1995, the highest number of Hong Kong voters ever demonstrated their commitment to democracy by freely expressing their right to vote in the Legislative Council elections.

(5) The voters of Hong Kong have overwhelmingly expressed their desire for the establishment of a fully democratic government by electing 60 legislative councillors for four-year terms.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the people of Hong Kong are to be congratulated for exercising their right to vote on September 17, 1995;

(2) the People's Republic of China should respect the clear will of the people of Hong Kong to have a fully democratic government;

(3) the Government of the People's Republic of China should enter into a dialogue with the democratically elected representative of the Hong Kong people; and

(4) the Government of the People's Republic of China should respect the mandate of the elected members by withdrawing its pledge to abolish the Legislative Council in violation of the Joint Declaration's provisions on Hong Kong's legislature and autonomy in all but defense and foreign affairs.

Mr. PRESSLER. Mr. President, on behalf of myself and others I am offering an amendment that expresses the sense of the Congress in support of last Sunday's successful elections in Hong Kong.

Mr. President, when Mr. Christopher Patten became Governor of Hong Kong 3 years ago, he made a very important decision. He decided to allow the people of Hong Kong the opportunity to express their preference on a simple issue: democracy—yes or no?

As last Monday's New York Times editorial noted, "Hong Kong's voters declared overwhelmingly on Sunday their preference for democracy and their doubts about Beijing's plans for the colony's future." Final returns from Sunday's vote show the Democratic Party led by Mr. Martin Lee won the largest number of seats, 19, in the 60-seat Legislative Council. Other prodemocracy allies will give Mr. Lee a working majority of 31.

By contrast, pro-Beijing candidates of the Democratic Alliance for the Betterment of Hong Kong won only six seats and the party's top three officials were all defeated. Regrettably, spokesmen for Beijing have not learned to lose gracefully and have resorted to threats and intimidation.

Again Governor Patten has proved to be the best analyst: "Everybody has to recognize that Hong Kong has expressed its views about the present and the future with great clarity."

Mr. President, the amendment I have offered congratulates the people of Hong Kong for exercising their right to vote, calls on China to respect the clear will of the people of Hong Kong to have a fully democratic government, and calls on China to enter into a dialog with the democratically elected representatives of the Hong Kong people.

I wish the people of Hong Kong well as they continue to demonstrate their clear will to maintain the cause of democracy. I urge my colleagues to support this amendment.

AMENDMENT NO. 2753

(Purpose: To impose sanctions against Burma, and countries assisting Burma, unless Burma observes basic human rights and permits political freedoms)

At the appropriate place in the bill insert the following.

SEC. 2. SANCTIONS AGAINST BURMA.

Except as provided in section 4, the following sanctions shall apply to Burma, effective 90 days after the date of enactment of this Act (or on such other date as is specified in this section):

(1) INVESTMENTS.—No United States national may make any investment in Burma.

(2) UNITED STATES ASSISTANCE.—United States assistance for Burma is prohibited.

(3) TRADE PRIVILEGES.—The President shall continue the suspension of special trade privileges pursuant to the Generalized System of Preferences (GSP), and shall continue the suspension of nondiscriminatory trade treatment (most-favored-nation status), with respect to Burma.

(4) IMPORTATION OF GOODS.—No article which is produced, manufactured, grown, or

extracted in Burma may be imported into the United States.

(5) TRADE AND INVESTMENT TREATIES.—The United States should continue to suspend carrying out obligations under bilateral trade and investment treaties with Burma.

(6) TRAVEL RESTRICTIONS.—The Secretary of State shall prohibit the use of United States passports for travel to Burma except for travel by United States diplomatic personnel.

(7) DIPLOMATIC REPRESENTATION.—The President is urged not to accept diplomatic representation from Burma at a level greater than the level of diplomatic representation accorded the United States in Burma.

(8) FOREIGN ASSISTANCE.—The United States shall suspend assistance under the Foreign Assistance Act of 1961 and the Arms Export Control Act to any foreign government which sells or otherwise transfers arms to the Government of Burma.

(9) INTERNATIONAL ORGANIZATIONS CONTRIBUTIONS.—The United States shall withhold from each international organization that funds activities in Burma other than humanitarian activities an amount equal to the United States proportionate share of that funding.

(10) MULTILATERAL ASSISTANCE.—The Secretary of the Treasury shall instruct the United States executive director of each financial institution to vote against any loan or other utilization of the funds of the respective bank to or for Burma.

(11) EMINENT PERSONS GROUP.—The President, acting through the United States Permanent Representative to the United Nations, should urge the United Nations to establish an eminent persons group to report on compliance by the Government of Burma with United Nations resolutions.

(12) INTERNATIONAL ARMS EMBARGO.—The President, acting through the United States Permanent Representative to the United Nations, should urge the establishment by the United Nations of an international arms embargo of Burma.

SEC. 3. AGREEMENTS TO IMPOSE SANCTIONS ON BURMA.

(a) NEGOTIATIONS WITH TRADING PARTNERS.—

(1) IN GENERAL.—Not later than 15 days after the date of the enactment of this Act, the President shall initiate negotiations with all foreign countries with which the United States trades for the purpose of entering into agreements with the countries—

(A) to support United States sanctions against Burma, and

(B) to cease trade with and investment in Burma.

(2) CERTIFICATION OF NEGOTIATIONS AND AGREEMENTS.—Not later than 90 days after the date of the enactment of this Act, the President shall certify to the Congress each country that—

(A) has failed to enter into an agreement described in paragraph (1), or

(B) has entered into such an agreement but is not enforcing it.

(3) ACTION BY THE PRESIDENT.—Notwithstanding any other provision of law, if a certification is made with respect to any country under paragraph (2) the President shall withdraw—

(A) any designation of such country—

(i) as a beneficiary developing country for purposes of title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.),

(ii) as a beneficiary country for purposes of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.), or

(iii) as a beneficiary country for purposes of the Andean Trade Preference Act (19 U.S.C. 3201 et seq.),

(B) from such countries the benefits of any other special tariff treatment program under which the special rates of duty apply under column 1 of the Harmonized Tariff Schedule of the United States, and

(C) most-favored-nation trade treatment with respect to any such country.

(b) APPLICABILITY.—

(1) IN GENERAL.—The provisions of this section apply to goods entered, or withdrawn from warehouse for consumption, originating in or imported from a country with respect to which an action described in subsection (a)(3) has been taken, during the period beginning on the date that is 15 days after the date of the certification described in subsection (a)(2) and ending on the date that is 15 days after the earlier of—

(A) the date the President certifies to the Congress that such country has entered into an agreement described in subsection (a)(1) and is enforcing the agreement, or

(B) the date a certification described in section 4 is made.

(2) RATE OF DUTY DURING PERIOD DESIGNATION IS WITHDRAWN.—During the period described in paragraph (1), goods entered, or withdrawn from warehouse for consumption, originating in or imported from a country described in subsection (a)(3) shall be subject to duty at the rates of duty specified for such goods under column 2 of the Harmonized Tariff Schedule of the United States.

SEC. 4. CERTIFICATION.

The sanctions of section 2 shall not apply upon the determination and certification by the President to the appropriate congressional committees that the following conditions are met:

(1) The Government of Burma has unconditionally released all political prisoners, including Aung San Suu Kyi.

(2) The Government of Burma has fully implemented the results of the 1990 elections in Burma, including the transfer of power to civilian authority, the protection of basic human rights, and guaranteeing the right of Burmese citizens to participate freely in the political process, assuring freedom of speech and the right of association and assembly.

(3) The Government of Burma has implemented an effective counternarcotics effort.

SEC. 5. SANCTIONS AGAINST THE PEOPLE'S REPUBLIC OF CHINA.

The Secretary of the Treasury shall instruct the United States executive director of each multilateral financial institution to vote against any loan or other utilization of the facilities of the respective institution to or for the People's Republic of China until the President determines and certifies to the appropriate congressional committees that the People's Republic of China has terminated arms sales and other arms transfers to Burma.

SEC. 6. SANCTIONS AGAINST THE GOVERNMENT OF THAILAND.

The President shall withhold all United States assistance to the Government of Thailand until the President determines and certifies to the appropriate congressional committees that the Government of Thailand is fully cooperating in providing support and relief for Burmese exiles and refugees.

SEC. 7. REPORT.

Not later than 45 days after the date of enactment of this Act, the President shall submit a report to the appropriate congressional committees on—

(1) the chemical and biological weapons capability of Burma;

(2) a plan to provide United States assistance in support of the democracy movement active inside Burma;

(3) the treatment by the Government of Thailand of Burmese students, refugees, and exiles resident in Thailand; and

(4) the status of arms sales and other arms transfers to the Government of Burma, including the amount of expenditures by the Government of Burma in the acquisition of arms.

SEC. 8. DEFINITIONS.

As used in this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

(2) INVESTMENT.—The term "investment" includes any contribution or commitment of funds, commodities, services, patents, processes, or techniques, in the form of—

(A) a loan or loans;

(B) the purchase of a share of ownership;

(C) participation in royalties, earnings, or profits; and

(D) the furnishing of commodities or services pursuant to a lease or other contract.

(3) HUMANITARIAN ACTIVITIES.—The term "humanitarian activities" means the provision of food, medicine, medical supplies, or clothing and does not include cash transfers.

(4) FINANCIAL INSTITUTIONS.—The term "financial institutions" includes the International Bank for Reconstruction and Development, the International Development Association, the Asian Development Bank, and the International Monetary Fund.

(5) UNITED STATES ASSISTANCE.—The term "United States assistance" means assistance of any kind which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government to any foreign country, including—

(A) assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of the Act);

(B) sales, credits, and guaranties under the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(C) sales under title I (7 U.S.C.A. 1701 et seq.) or III (17 U.S.C.A. 1727 et seq.) and donations under title II (17 U.S.C.A. 1721 et seq.) of the Agricultural Trade Development and Assistance Act of 1954 of nonfood commodities;

(D) other financing programs of the Commodity Credit Corporation for export sales of nonfood commodities; and

(E) financing under the Export-Import Bank Act of 1945 (12 U.S.C.A. 635 et seq.).

Mr. MCCONNELL. Mr. President, in July 1989, Ong Son Sue Chi, leader of the National League for Democracy was placed under house arrest. In spite of her arrest, National League for Democracy representatives swept the elections, held the following May, winning 392 of the 485 seats in Parliament. As we all know, the State Law and Order Restoration Council, SLORC, rejected the outcome and has maintained an iron grip on Burma ever since.

While Sue Chi has now been released, today like all others for the people of Burma marks one more day of ruthless

repression. The recent U.N. Special Rapporteur summed up the view of every human rights group and democratic activist I have spoken with. People are fearful that whatever they say or do will risk interrogation or arrest. In cold and dispassionate terms he reported his concern about forced labor, forced porterage, forced relocations, arbitrary killings, beatings, rape, and confiscation of property by the army.

I urge all of you to read the July National Geographic article on Burma. While holding out hope that Burma's rich natural resources will someday offer its people a prosperous future, the article describes how clearly the SLORC enriches itself using fear and intimidation to exploit both the people and the land—an opinion shared by the Wall Street Journal.

Some of you might ask why I am more concerned about Burma than other countries questionable human or political rights records. I am hard pressed to find another regime on earth that I find as insulted, self serving, and repugnant.

This is not a honorable government interested in stability and freedom. It is a dictatorship and signs cease-fires with ethnic leaders then unleashes 10,000 well-armed troops on their camps of supporters. Last December, when Manerplaw was under attack, I offered the view that SLORC would release Sue Chi after annihilating all the groups that actively supported her democracy movement. The fall of Manerplaw generated 80,000 refugees. Today, as we speak, Karenni camps are under siege, in direct violation of a negotiated cease-fire. Twenty thousand civilians have fled the fighting.

SLORC is not a responsible government interested in development—it is a corrupt dictatorship driven to protect its power and wealth. While people starve, this regime has spent 45 percent of its budget on arms.

Unlike China, where I believe economic liberalization is benefiting hundreds of thousands of people and leading to political change, only SLORC officials and their cronies benefit in Burma. I think that is why there is unanimous support for this legislation from Burmese student, ethnic and democratic leaders alike.

Before talking about the bill, I want to take just a minute to discuss why I think it is important to move legislation at this point.

As we redefine our priorities in the post-cold-war world, there is an urgency to transnational threats. I put international narcotics trafficking and crime at the top of my list of concerns.

In 1986, 15 percent of the heroin coming into this country was coming from Asia, now it's 65 percent. Just as important is the purity. National and local law enforcement officials in Kentucky tell me that 10 years ago, heroin on our streets was 2 to 3 percent pure. Today it's anywhere from 25 to 65 percent pure.

Heroin trafficking is a serious national security threat.

In a Foreign Operations Subcommittee hearing I recently asked the Assistant Secretary of State for Asia, Win Lord, several questions on Burma, SLORC, and the narcotics problem. His response offers insight into why I think we should press to isolate the SLORC.

Since SLORC has an enormous security apparatus with a tight grip on the nation, I asked him what were the major impediments to an effective counternarcotics effort. He said,

> What is going to solve the problem over the long run is a popular, representative open government—all other efforts are minuscule compared to whether you have an open system there.

I agree.

Last November a senior State Department official issued an ultimatum to the SLORC—bilateral relations would only improve if there was progress on human rights, democracy, and counternarcotics. No one disputes, inside or outside the administration, that we have seen a real deterioration on all fronts. Unfortunately, the administration has failed to follow through. A few weeks ago, Ambassador Albright visited Burma. According to news accounts she reiterated the November message—we want to see improvements.

SLORC must be wondering by now—improvements, or what?

What are the real consequences? So far, none.

Which is why I have decided to move forward with this legislation. Let me turn now to the contents of the amendment.

I think we would all agree that unilateral sanctions are not as successful in applying pressure to a government as an international effort. There are several provisions which address U.S. unilateral action including banning investment, trade, imports, aid and support through international financial institutions. I also require the President to initiate negotiations to secure support with our trading partners for international sanctions. Countries failing to reach agreement on an embargo will risk their MFN and and GSP status.

At this point, after years of self-imposed exile, there is very little foreign investment in Burma. I am willing to guess that few nations will be willing to put their existing trading relationship with the United States at risk for potential future financial gain in Burma.

The amendment also requires the executive director at international financial institutions to vote against loans to China if the PRC continues to sell or transfer arms to Burma. The State Department estimates that SLORC spends 45 percent of their budget on weapons—arms used solely to terrorize their own citizens.

The amendment will also suspend United States assistance to Thailand if there continues to be a lack of cooperation in the provision of relief and support to students, refugees, and democratic activists living in exile. Students and leaders have been arbitrarily detained, arrested, had their offices broken into and documents removed. The problems are usually resolved when various officials are paid so-called fees and fines. I am not suggesting that there is a condoned program orchestrated by the Thai Government at work, but I do think there should be a more serious effort to control the conduct of rogue officials.

The amendment also requires several reports among which is one on SLORC's chemical and biological weapons capabilities. In the attacks carried out last year against various camps, thee were a number of eyewitness accounts of the use of some kind of toxic substance. I understand clothing and other items have been turned over to the U.S. labs for analysis. I earnestly hope the report advises us that there is no reason to believe the SLORC has a CBW capability.

Let me conclude with a personal observation made recently by an International Red Cross official with years of experience in Asia. After dragging their feet for 7 years, the SLORC recently rejected the ICRC's request for access to political prisoners. Although they stand ready to return at any point, the ICRC decided to withdraw in July because SLORC will not grant them the simplest of terms, which 59 other countries accept, that being unsupervised, regular access to political prisoners. I think at one point SLORC offered access to Sue Chi, but she courageously declined asking that she not be given any preferential treatment not offered to other political prisoners.

When asked when and why the talks collapsed, this official said,

> Last summer when they started to really make money. SLORC realized they could secure their position and their wealth without paying any political price.

Shortly after she was released, SUU CHI cautiously welcomed this legislation saying,

> These are very tough sanctions. They—the sponsor—have shown they are interested in how the democracy movement progresses. I am very grateful for it.

In July she was reluctant to directly call for a ban on investment fearing retaliation by SLORC. Now that months have passed with no progress she has taken a tougher stand. In a recent interview with an Australian journalist she called for a suspension of foreign investment until real progress on the democratic front has been achieved.

I think it is important that we respect and promote that agenda. Keeping the pressure on SLORC will assure

that her release is translated from a symbolic gesture to freedom and democracy for all Burmese.

Mr. President, let me conclude by noting this initiative is supported by a wide variety of organizations and individuals including Nobel Laureate Betty Williams and Desmond Tutu, the AFL–CIO, the Democratic Burmese Students Organization, the National Coalition Government of the Union of Burma, the American Baptist Convention, the Asian-American Civic Alliance, and the United Front for Democracy and Human Rights in Burma. I have also heard from ethnic leaders endorsing the approach including ministers representing the Karen, Karenni, and Mon people. I ask unanimous consent to print in the RECORD letters from some of the these groups.

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

NATIONAL COALITION GOVERNMENT OF THE UNION OF BURMA, OFFICE OF THE PRIME MINISTER,
Washington, DC, March 29, 1995.

Hon. MITCH MCCONNELL,
U.S. Senate, Russell Building,
Washington, DC.

DEAR SENATOR MCCONNELL: I have recently learned of your intention to introduce a bill to impose US economic sanctions on Burma. On behalf of the democratically elected government of Burma, I am writing to give you my wholehearted support as well as that of my government in your effort.

The imposition of sanctions should never be taken lightly. Any measure designed to constrict the economy of a country will cause some degree of hardship to the people. However, I believe, and the democratic forces working to liberate our country believe, that foreign investment serves to strengthen the outlaw State Law and Restoration Council (SLORC). It is providing SLORC with the means to finance a massive army and intelligence service whose only job is to crush internal dissent. SLORC controls all foreign investment into Burma and channels contracts to the military and its party officials. Unlike other countries, investment will not serve to create a middle class of entrepreneurs, only reinforce allegiance to a regime that has murdered tens of thousands of people whose crime was the desire for democracy and to live in a free society. SLORC is in desperate need of foreign currency. Cutting off access to US funds will be a severe blow to SLORC.

Your decision to move forward on this issue will not be popular with the US business community or countries in Europe and Asia. There are many who place trade and money over Burma's deplorable narcotics, political, and human rights record. I applaud your courage and will do everything in my power to see you succeed.

The United States has a very special place in the hearts of my countrymen. During the massive democracy demonstrations in 1988, students could be seen marching in Rangoon carrying American flags and demonstrating in front of the US Embassy. Supporting us in our struggle is the International Republican Institute. This organization funds pro-democracy activities inside Burma. The Burmese people desperately want what Americans have: the ability to live in peace without fear of government persecution, respect for human rights, and social justice. American ideals will always be a symbol for what we can achieve.

I want to personally thank you for your leadership and raising your voice to support those who are oppressed. I look forward to assisting you in any way possible.

With my highest consideration,

Yours Sincerely,

(SEIN WIN),
Prime Minister.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATION,
Washington, DC, February 6, 1995.

Hon. WARREN CHRISTOPER,
Secretary of State, U.S. Department of State,
Washington, DC.

DEAR MR. SECRETARY: I write to you to express my strong concerns about the continuing egregious behavior of the State Law and Order Restoration Council (SLORC) regime of Burma. Directly contradicting its claims that it seeks peace and national reconciliation, SLORC sent the Burmese army to viciously attack, capture and sack Manerplaw, the headquarters of the Karen people and key base area for many groups, including the Federation of Trade Unions Burma (FTUB), seeking to restore democracy in Burma.

We believe that the blatant, unprovoked attack on Manerplaw is a major setback for the cause of democracy in Burma and merits a strong response from the U.S. Government. In the "two visions" policy laid out by Deputy Assistant Secretary Hubbard during his visit to Rangoon, the U.S. indicated that, if progress by SLORC on issues of democracy and human rights was not forthcoming, the U.S. would renew its campaign to isolate the regime. In line with this policy, now is the time for the U.S. to show, by actions, that it is serious.

Accordingly, we urge the U.S. Government to implement a full trade and investment embargo against Burma. Since most U.S. investment enters Burma through joint ventures with SLORC government agencies or entities wholly controlled by the regime, implementing sanctions would have a direct impact on the ability of the SLORC to repress its people and conduct war on groups opposed to this illegitimate government. The withdrawal of the Commercial Officer from the U.S. Embassy in Rangoon would further underscore this message. We also renew our call for the U.S. Government to exert pressure to block development and aid projects of international institutions that benefit the SLORC.

Sincerely,

LANE KIRKLAND,
President.

ASIAN-AMERICAN CIVIC ALLIANCE,
Ft. Lauderdale, FL, July 10, 1995.

Hon. Senator MITCH MCCONNELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR: We are very grateful of your great effort which have contributed towards the release of Aung San Suu Kyi.

We hope that you will continue to assist bring Democracy in our beloved country, Burma.

Please continue your most powerful Bill against the Military Regime in Burma so that the 43 millions Burmese—every citizen can enjoy the Democracy and human rights in their life time once again over there.

We support you wholeheartedly.

With Sincerity and respect,

KYIN HO, M.D.,
President.

OFFICE OF THE SUPREME HEADQUARTERS, KAREN NATIONAL UNION,
Kawthoolei, September 5, 1995.

Hon. Senator MCCONNELL,
U.S. Congress,
Washington, DC.

DEAR SENATOR: We are much impressed and encouraged to hear that you are to submit the bill as intended in Congress next month, for imposing trade sanctions on Burma.

Apart from releasing Daw Amg San Sun Kyi from detention, the SLORC has not taken any step for democratic reform. Nearly one thousand political prisoners detained unjustly by the SLORC are still in prison. Forced labor, midiscriminate killings and human rights violations are still being committed on a wide scale by the SLORC army troops. Cease-fire agreements between the SLORC and the ethnic groups, remain to be a temporary arrangement without any progress toward agreement for lasting peace and stability. In the case of Karemi, hostilities have broken out again as the SLORC troops violated the cease-fire terms.

With regard to us. the SLORC has been avoiding with excuses the materializing of talks, while it has been massing 101 battalions of troops against our areas. Military operations have already begun in some of our areas even when the rainy season is in full force. This shows that the SLORC's so-called "policy of national reconciliation" is only an expedient measure in its attempt to perpemate the military dictatorship.

In conclusion, we would like to say that we are firm in our support for you with regard to your effort to have trade sanctions imposed on Burma. We pray for your success and send our best wishes and regards to you and our colleagues.

Sincerely,

SAW BO MYA,
President.

UNITED FRONT FOR DEMOCRACY AND HUMAN RIGHTS IN BURMA,
North Potomac, MD, July 10, 1995.

Hon. MITCH MCCONNELL,
U.S. Senator,
Washington, DC.

DEAR MR. SENATOR: On behalf of the United Front for Democracy and Human Rights in Burma and its affiliated organizations such as Burma America Fund, Burma-Canada Society and the United States of Burma Relief Fund Committee, as well as the people of Burma inside and outside the country, I wish to convey our most sincere appreciation of the continuing efforts you have been making for the down-trodden peoples of Burma.

In particular, we would like to express our appreciation of the bill to impose trade and economic sanctions against the military regime in Burma. We understand that you will go ahead with the sanction bill as you said it would be more important than ever to maintain the pressure on the SLORC to fully implement the results of the 1990 election, and to restore democracy and human rights to Burma. We agree with you entirely that the release of Daw Aung San Suu Kyi alone would not solve the problems in Burma, Still there are hundreds of political prisoners being detained and the military is still continuing its reckless campaign against the ethnic minorities, in particular the Karennis with whom the SLORC signed a cease-fire only in March 1995. In violation of the cease-fire agreement, the SLORC sent four battalions into the cease-fire designated area and fighting is now going on between the SLORC troops and the Karennis.

While we welcome with great pleasure the release of Daw Aung San Suu Kyi, the symbol of Burma's democracy movement, we feel that this is just a beginning in the long process of peace-making and restoration of human rights and national reconciliation in Burma. With the history of the cunning tactics that has been used by the brutal regime, we have to wait and see if the SLORC is going to change its ways to bring about genuine democracy and follow a national reconciliation process that will lead to the early establishment of a genuine democratic government by immediately transferring the administration to the elected representatives of the 1990 elections and to form an interim government led by Daw Aung San Suu Kyi, who is the only Burmese national leader loved and respected by all the peoples of Burma.

Until it is definite that the democracy process is assured, just as in South Africa after the release of Nelson Mandela, the sanctions that you proposed should be imposed. We are confident that the international community would agree with this approach.

We wish to repeat our wholehearted support of your efforts and thank you again for your unrelentless efforts for the cause of democracy and human rights in Burma and elsewhere in the world.

Yours sincerely,

U BA THAUNG,
Chairman.

HUNTSVILLE, TEXAS,
July 6, 1995.

Senator MITCH MCCONNELL,
Russell Office Building,
Washington, DC.

DEAR SENATOR MCCONNELL: I wish to take this opportunity to offer my support to the initiative you are preparing to undertake on behalf of my sister laureate Aung San Suu Kyi and the people of Burma. It has been brought to my attention that you intend to introduce legislation on July 11, 1995 which will ban all U.S. foreign investment in Burma.

On June 26, 1995, while commemorating the 50th Anniversary of the United Nations, Bishop Desmond Tutu, Lech Walesa, Oscar Arias Sanchez and myself presented a letter to the United Nations which included the signatures of seven other Laureates asking for the release of Daw Suu. The letter stated, "She has endured six long years of solitary detention without trial at the hands of the military regime. There is no sign at all of her release. We resolutely oppose political oppression disguised as criminal detention." Bishop Tutu, in a statement to a forum at the UN Anniversary called for sanctions to be imposed on Burma.

This legislative initiative is long overdue and will play a critical role in bringing about a transfer of power to the democratically elected 1990 representatives, allowing them to take their rightful (and legitimate) seats in parliament.

I offer congratulations for implementing this endeavor and hope that your colleagues in the Senate will join you in this worthy effort which I hope will lead to a political dialogue and settlement of the Burma conflict and, most importantly, democracy in Burma.

Most sincerely,

BETTY WILLIAMS,
Nobel Laureate 1976.

AMENDMENT NO. 2754

At an appropriate place in the bill add the following new section:

SEC. . SENSE OF THE SENATE ON THAILAND.

(a) FINDINGS.—The Senate makes the following findings—

(1) the Royal Thai Government has had a policy of not supporting or cooperating with the Khmer Rouge; and

(2) Thailand is host to large numbers of persons displaced from neighboring countries, including Burma, placing a significant burden on Thailand's economy.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should—

(1) affirm to the Royal Thai Government the support of the United States for that Government's policy not to support or cooperate with the Khmer Rouge and encourage the Royal Thai Government to prosecute vigorously its efforts to prevent cooperation between individual members of the Royal Thai Armed forces and the Khmer Rouge; and

(2) take appropriate steps to assist the Royal Thai Government in providing and facilitating relief to displaced persons from Burma and other neighboring countries and to encourage that Government to fully cooperate in such relief efforts.

Mr. COHEN. Mr. President, last year, Mr. President, the foreign operations conference report contained a provision that caused serious difficulties in our relationship with Thailand.

The provision conditioned military education and training for Thailand and required a report on the Thai military's support for the Khmer Rouge.

This provision was viewed by in Thailand as a ban on military education and training and an accusation that the Government of Thailand was providing support for the Khmer Rouge. The provision was, in fact, somewhat more subtle than that, but this was nonetheless the perception in Thailand and was the basis for the Thai reaction.

This came at a sensitive time in United States-Thai military relations, as the United States sought Thai approval to deploy six Army prepositioning ships off the Thai coast to support potential combat operations in Korea or the Persian Gulf. As chairman of the Seapower Subcommittee of the Armed Services Committee, which is responsible for projection forces such as these Army prepo ships, I can assure Members of the Senate that prepositioning more equipment in Asia is critical to defend our interests.

If we had not cut the Defense budget for 11 straight years, perhaps we could afford to preposition such equipment in both the Persian Gulf and Korea. But we only have the money for one set of equipment, and so we must deploy it in a location where it can swing in a short time to either Korea or the gulf.

The United States military—and the Thai military—were quite optimistic that Thai approval could be obtained for putting these prepo ships off the shores of Thailand, a long-time ally. But the issue became a political hot potato in Bangkok and our request was denied.

The foreign operations provision on IMET and the Khmer Rouge was not the only factor in making this politically sensitive in Thailand, but it was a factor. I was in Bangkok immediately after the Thai denial and know that the foreign operations provision drew great attention in the Thai media and great resentment in the Thai Government, which unfortunately was exacerbated by similar accusations about Thai Government support to the Khmer Rouge from an Australian official.

Beside contributing to the denial of the request to preposition ships, the foreign operations provision nearly led Thailand to terminate its support for our military advisory group in Thailand, which is responsible for arranging Thai purchase of United States-produced military equipment.

The great irony is that the concern about Thai Government support to the Khmer Rouge is off target. Thai Government support for the Khmer Rouge was a legitimate concern at one time. But well before the foreign operations provision was enacted, the Government of Thailand adopted a policy of not supporting or cooperating with the Khmer Rouge. United States officials in the best position to know confirm that the Thai Government has adhered to this policy. Thus the Thai Government and the Thai people have a reasonable basis for being upset when accusations are made.

As one Thai official told reporters at the time,

> One has to wonder at the American timing. They come here asking for a tremendous favor at a time when their Congress is threatening us over what we believe to be a nonissue.

I do not mean to suggest that there are no Thai military personnel engaging in any cooperation with members of the Khmer Rouge. We can, should, and are encouraging the Thai Government to work energetically to prevent such cooperation by individuals or groups of personnel deployed in the field. But our military alliance with Thailand, the value of which stretches from the oil fields of the Persian Gulf through the booming economies and vital sealanes of Southeast Asia to the Korean DMZ, cannot be made a hostage to such freelancing.

Are we going to suspend military cooperation with certain NATO allies because, according to credible press reports, some of their troops deployed as peacekeepers in Bosnia have engaged in unprofessional and even heinous acts?

And so, Mr. President, rather than repeating last year's mistake by gratuitously and even mistakenly criticizing the Thai Government, we should correct the record.

Similar considerations apply on the question of Burmese migrants in Thailand. Last year's foreign operations bill required a report on the Thai Government's efforts to impede support for Burmese democracy advocates, exiles, and refugees, and did so in a way that seemed to link this issue to the imposition of conditions on Thailand's participation in IMET.

The bill completely ignored the heavy burden imposed on Thailand's economy over a period of many years by the large numbers of Burmese and migrants and refugees from other countries in the region who have made their way to Thailand. The bill completely ignored the assistance Thailand is providing to these migrants and refugees, as well as Thai facilitation of the assistance provided by private and international relief agencies.

Mr. President, I would like to quote from some official statements about Thailand's treatment of displaced persons.

State Department spokewoman Christine Shelley, January 1995:

It has been Thai policy over the years to provide refuge to displaced persons, including Burmese, for as long as it is unsafe for them to return to their place of origin. We commend the Thai for this humanitarian policy.

The Foreign Minister of Australia, January 1995:

Thailand has a good record of sheltering previous waves of Burma border-crossers.

The United Nations High Commissioner for Refugees' Representative in Thailand, January 1995:

Permit me to express to . . . the Royal Thai Government the international community's gratitude for the temporary asylum and assistance that Thailand is providing in the border area with (Burma), until such time as conditions in that country are conducive to the return of the affected population in conditions of safety and dignity.

A coalition of human rights groups in Burma and international human rights groups, February 1995:

We thank the Royal Thai Government for their magnanimous and benevolent treatment of the thousands of Burmese refugees taking shelter on Thai territory.

In direct response to the accusations of Thai Government interference with relief to displaced Burmese, Secretary of State Christopher earlier this year reported to the Congress that:

Royal Thai Government treatment of Burmese democracy advocates, exiles, and refugees is generally humane and in accord with international norms. The Royal Thai Government does not, as a matter of policy or practice, impede humanitarian support for non-combatant Burmese in Thailand.

Thailand may not do everything for the 200,000 Burmese migrants and refugees that some might like, including allowing the use of Thailand as the launching pad for political attacks on a well-armed neighbor with whom Bangkok has no choice but to maintain a constructive relationship. While it is easy for to tweek Burmese generals from Washington, the Thais do not have a buffer of 12 time zones.

I would also note that Thailand has adhered to the Comprehensive Plan of Action, the U.N.-sponsored plan for handling Vietnamese and other migrants and refugees in the region. In contrast, the 104th Congress has called the CPA into question, triggering riots at migrant camps across Southeast Asia. Yet some think it appropriate for Congress to freeze United States aid and cooperation with Bangkok until it improves its treatment of migrants in Thailand.

Throughout Southeast Asia the question of whether America intends to remain engaged is asked constantly by political, business, and military leaders who must calculate with which big power to cast their lot. Clearly, Mr. President, if this is the way we treat our allies in the region, few will view us as reliable or even reasonable partners.

Accordingly, Mr. President, I am offering this amendment. After last year's mistake by Congress, it would set the record straight by acknowledging that the Government of Thailand has had a policy of not supporting or cooperating with the Khmer Rouge and is host to large numbers of displaced persons from neighboring countries, placing a significant burden on the Thai economy.

It also expresses the sense of the Senate that the President should affirm to the newly elected Thai Government United States support for this Thai policy, established by the last government, against the Khmer Rouge. It also calls on the President to encourage the Thai Government to vigorously pursue efforts to prevent freelancers in the military from violating this policy.

With regard to Burmese in Thailand, the amendment would call on the President to encourage Thailand to fully cooperate with relief efforts. And, since it is not enough to criticize and cajole, it would call on the President to take appropriate steps to assist Thailand in such efforts.

I believe that this is a more constructive approach than gratuitously and even erroneously slamming the Thai Government, and I hope that it will help to salve some of the wounds from last year's ill-considered provision.

I urge Senators to support this amendment.

AMENDMENT NO. 2755

Add the following new Section to Title V:

EXTENSION OF TIED AID CREDIT PROGRAM AND AUTHORITY TO CONDUCT A DEMONSTRATION PROJECT

SEC. . EXTENSION OF TIED AID CREDIT PROGRAM.

(a) Section 10(c)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i-3(c)(2)) is amended by striking "1995" and inserting "1997".

(b) Section 10(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i-3(e)) is amended by striking "1993, 1994, and 1995" and inserting "1996 and 1997".

SEC. 102. AUTHORITY TO CONDUCT A DEMONSTRATION PROJECT.

(a) Notwithstanding section 4701(a)(1)(A) of title 5, United States Code, the Export-Import Bank of the United States may conduct a demonstration project in accordance with section 4703 of such title 5.

AMENDMENT NO. 2756

On page 45, line 4, after the word "funds" insert the following:

"*Provided further*, That of the funds appropriated under this heading, not less than $1,000,000 shall be made available to UNIFEM.

AMENDMENT NO. 2757

At the appropriate place, insert the following:

CONVENTIONAL WEAPONS REVIEW

(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 or in demilitarized zones within a perimeter marked area that is monitored by military personnel and protected by adequate means to ensure the exclusion of civilians.

(B) If the President determines, before the end of the one year 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 for 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 for 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.—(A) 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.

(B) The term "antipersonnel landmine" does not include command detonated Claymore munitions.

(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.

AMENDMENT NO. 2758

(Purpose: To extend the authority to administer au pair programs through fiscal year 1999.)

At the appropriate place in the bill, insert the following new section:

SEC. _____. EXTENSION OF AU PAIR PROGRAMS.

Section 8 of the Eisenhower Exchange Fellowship Act of 1990 is amended in the last sentence by striking "fiscal year 1995" and inserting "fiscal year 1998".

AMENDMENT NO. 2759

Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956: *Provided*, That this section shall not apply with respect to any accounts for which a general authorization of appropriations for fiscal year 1996 is enacted in law on or before April 1, 1996.

AMENDMENT NO. 2760

(Purpose: To limit the availability of funds for the Government of Haiti until certain human rights conditions are met, and for other purposes)

At the end of the last committee amendment, insert the following:

SEC. _____. LIMITATION ON ASSISTANCE FOR HAITI.

(a) LIMITATION—None of the funds appropriated or otherwise made available by this Act or any other Act may be furnished to the Government of Haiti until the President determines and reports in writing to the Congress that—

(1) the government of Haiti has conducted or is conducting a thorough and professional investigation into, and prosecution of those responsible for the murder of Mireille Durocher de Bertin on March 28, 1995, and other possible cases of political or extrajudicial killings, including the 20 cases of "commando-style executions" cited by the United Nations/Organization of American States International Civilian Mission in Haiti on September 12, 1995;

(2)(A) the police and security forces of Haiti are not assassinating or abducting civilians, are not engaging in other acts of violence directed at civilians, and are controlling such activities by elements subject to the control of those forces; or

(B) the government of Haiti is investigating effectively the members within its police and security forces engaged in acts of violence against civilians, and has put in place effective policies to deter and punish such activities in the future.

(3) the Government of Haiti has actively sought and encouraged a law enforcement service from outside Haiti to assist and monitor investigators of the Government of Haiti in their investigation of the murders cited in section _____(1) above; and

(4)(A) the Government of Haiti has cooperated fully and in a timely fashion with U.S. Federal Bureau of Investigation efforts to investigate the murder of Mireille Durocher de Bertin, including providing access to Haitian government employees in a manner which facilitates prosecution of those responsible for her murder; or

(B) the Government of Haiti has not cooperated fully and in a timely fashion with U.S. Federal Bureau of Investigation efforts to investigate the murder of Mireille Durocher de Bertin, including providing access to Haitian government employees in a manner which facilitates prosecution of those responsible for her murder, in which case the President shall submit a detailed accounting of the areas of non-cooperation and his assessment of all the reasons for such non-cooperation by the government of Haiti.

(b) REPORT.—Not later than 60 days after enactment of this section, the President shall report to the appropriate committees of Congress, based on information available to him, on the identity or identities of those responsible for the murder and any subsequent coverup, and on the status of the Government of Haiti's investigation of:

(1) the murder of American citizen Richard Andre Emmanuel on February 13, 1991;

(2) the murders of Bastian Desrosiers, Stevenson Desrosiers, Jacques Nelio, Pierre Schiller and Louis Walky on July 26, 1991;

(3) the murder of Reverend Sylvio Claude on September 17, 1991;

(4) the murder of Roger Lanfontant on September 29, 1991;

(5) the murder of Antoine Izmery on September 11, 1993; and

(6) the murder of Minister of Justice Guy Malary on October 14, 1993.

(c) HUMANITARIAN ASSISTANCE.—Nothing in this section shall be construed to restrict the provision of humanitarian or electoral assistance to the Haitian people by non-governmental or private voluntary organizations.

(d) WAIVER.—The President may waive the requirements of this section if he determines and certifies to the appropriate committees of Congress that it is necessary to facilitate the safe and timely withdrawal of American forces from Haiti.

Mr. DOLE. Mr. President, it has been almost exactly 1 year since the United States sent military forces to restore President Aristide to Haiti. The purpose of U.S. military intervention was to promote democracy and increase observance of human rights. President Clinton argued that American national security interests were at stake in Haiti. I disagreed with President Clinton, and I opposed U.S. military intervention in Haiti.

Many of us were concerned that the invasion and occupation of Haiti would not substantially change Haiti, and could lead to unnecessary casualties. We were also concerned that it could be very difficult to withdraw American forces once committed to Haiti.

We should be clear about what American intervention has achieved—Cedras and the thugs that ran Haiti for 3 years are gone. Human rights violations have decreased. The lifting of the economic embargo on Haiti has resulted in some economic activity, and thanks to the professionalism and bravery of American Armed Forces, American casualties have been limited. However, one American soldier, Sgt. 1st Class Gregory D. Cardott, 36, was shot to death January 12 in Gonaives, Haiti.

Mr. President, we should also be clear about the lack of success in the American intervention in Haiti. The stated purpose of American intervention in Haiti was to restore democracy—not just to restore Aristide, but to restore democracy. Elections have been held, but Haiti has failed the democratic test. The initial June 25 elections were, by objective accounts, deeply flawed. A report from the Carter Center and former National Security Council member Robert Pastor concluded: "Of the 13 elections that I have observed, the June 25 Hatian elections were the most disastrous technically, with the most insecure count." Pastor further states that he witnessed "the compromise of one-third of the ballot boxes in Port-au-Prince." Pastor concludes that "the international community will not help Haiti's democratic process by being silent or dishonest. It has a responsibility to insist that the parties' concerns be effectively addressed." The OAS concluded that it could not determine whether the election was free and fair.

The human rights situation in Haiti is not something America should be proud of. The joint United Nations Organization of American States International Civilian Mission in Haiti has identified some 20 cases of "commando-style" executions in which theft does not seem to have been the motive. Some might argue that Haiti should not be held to a high standard, or that there have not been enough killings to be concerned. I disagree. The standard should be much higher for a country which was invaded and occupied by American military forces. The Government of Haiti was put in place by American military power. That makes the situation fundamentally different from a country like El Salvador where we simply provided military assistance.

Mr. President, the American people have seen more than $2 billion of their tax dollars go to the Hatian operation. All this amendment says is do not send any more money to the Hatian Government unless the President certifies they are not conducting political assassinations. The amendment is modeled after many similar provisions supported by Democrats throughout the

1980's. In addition to certification on political killings by Haitian Government forces, it addresses the issue of Haitian cooperation with the FBI. On March 28, 1995, a Haitian political opponent of President Aristide was killed in broad daylight. President Clinton promptly offered the services of the FBI to investigate the brutal slaying. At one time, 20 FBI special agents were in Haiti. The result of their efforts—the Government of Haiti stonewalled, harassed, and refused cooperation. A high-priced Miami law firm suddenly entered the picture to represent members of the Haitian Government forces that the FBI sought to interview. And yesterday, the Government of Haiti released four Haitians charged with the crime for "lack of evidence." This is not justice, this is an outrage. This is not good faith, it is an affront to the risks undertaken by the men and women of the American Armed Forces to democratize Haiti.

My amendment says enough is enough. No aid unless our concerns are met. I urge its adoption and ask unanimous consent that the September 20 Reuters article dealing with the death of Mireille Durocher Bertin and the release of the suspects be printed in the RECORD.

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

FOUR HAITIAN SUSPECTS FREED FOR LACK OF EVIDENCE

PORT-AU-PRINCE.—Four people arrested six months ago in connection with the killing of a leading opponent of Haitian President Jean-Bertrand Aristide were freed Tuesday for lack of evidence, diplomatic and family sources said.

Those freed included brothers Eddy and Patrick Moise, members of the Front for United Militants, a far-left paramilitary group with alleged ties to Libya, who were arrested March 19 for allegedly plotting to kill lawyer Mireille Durocher Bertin.

An ardent defender of former military chief Lt. Gen. Raoul Cedras, Bertin and a client of hers, Eugene Baillergeau, were gunned down on a busy street in the capital March 28—nine days after the arrest of the Moise brothers.

"It doesn't mean they are not guilty," said a diplomat, who spoke on condition of anonymity. "But there is just no evidence, no evidence acceptable in a court of law."

Also freed were Haitian-American Claude Douge and his wife Evelyn.

"If anything had happened to these people in jail it would have been a huge embarrassment for the government," the diplomat noted.

The spectacular daytime killing prompted alarm among Republicans in the U.S. Congress that Aristide, ousted in a 1991 coup, may have sanctioned acts of vengeance against his political opponents since his restoration to office by U.S.-led multinational troops in October.

But F.B.I. investigators who arrived in Haiti a day after the double assassination have not turned up any findings and diplomats say there is no evidence linking Aristide to a recent string of professional-style murders.

The decision to release the four detainees came a few days after two former army supporters, imprisoned on charges of plotting to destabilize the government during pre-Lenten carnival celebrations, were also freed for lack of evidence.

Observers said the government was responding to pressures from human rights groups and Republicans in Congress who have repeatedly threatened to cut aid to the Aristide government.

AMENDMENT NO. 2761

(Purpose: To increase the total value of defense articles and defense services which may be transferred to the Government of Bosnia and Herzegovina under the legislation)

In subsection (b) of the section entitled "AUTHORITY TO ASSIST BOSNIA-HERZEGOVINA", strike "$50,000,000" and insert "$100,000,000".

Mr. DOLE. Mr. President, I offer an amendment which would amend Section 540(b) to increase the Department of Defense draw down authority in this bill for Bosnia and Herzegovina from $50 million to $100 million. I am joined by the distinguished chairman of the Foreign Relations Committee, and the distinguished Senator from Connecticut, Senator LIEBERMAN. This authority could be exercised pursuant to either a lifting of the United Nations arms embargo on Bosnia or a unilateral lifting of the United States arms embargo.

Mr. President, there is no doubt that the majority—an overwhelming majority—of the United States Congress supports lifting the arms embargo on Bosnia. And there should be no doubt that some time in the not so distant future the arms embargo will be lifted. Under what circumstances, I am not certain. It will depend on developments over the next couple of weeks.

Nevertheless, we need to be prepared to provide the Bosnians with meaningful military assistance—whether in the context of continued fighting or as part of a settlement. In spite of the recent administration euphoria over prospects for peace, according to news reports today the Bosnian Serbs violated the no-fly zone and conducted air strikes on Bosnian and Croat positions. These planes reportedly came from Banja Luka airfield—which escaped the wrath of the NATO bombing campaign. The fact is that the war is not over.

Passage of this measure will also facilitate Senate consideration of the Multilateral Bosnia and Herzegovina Self-Defense Fund—introduced by Chairman HELMS—which would create a multilateral fund for contributions from the United States and other countries for the defense of Bosnia. These contributions of equipment or financial aid would be held in a U.S. chaired fund until the U.S. arms embargo is lifted.

Mr. President, the arms embargo has prolonged the war in Bosnia. If it had been lifted 3½ years ago, the war would have been over—with far less suffering. Moreover, a couple weeks of NATO air strikes do not substitute for allowing a sovereign nation to defend itself. This issue may be delayed, but cannot be avoided.

I hope that my colleagues will support this measure, as they have supported lifting the arms embargo on Bosnia.

AMENDMENT NO. 2762

(Purpose: To establish the Croatian-American Enterprise Fund and make available funds to support the Fund)

At the appropriate place in the bill, insert the following new section:

SEC. . CROATIAN-AMERICAN ENTERPRISE FUND.

(a) DESIGNATION OF FUND.—The President shall designate a private, nonprofit organization as eligible to receive funds and support pursuant to this section with respect to Croatia 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. Such organization shall be known as the "Croatian-American Enterprise Fund".

(b) APPLICATION OF SEED ACT.—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 the Croatian-American Enterprise Fund. The officers, members, or employees of the Croatian-American Enterprise Fund 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.

(c) 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, $12,000,000 for fiscal year 1996 to fund the Croatian-American Enterprise Fund established under subsection (a).

(2) Funds appropriated under this subsection are authorized to remain available until expended.

(d) APPROPRIATIONS.—Of the funds appropriated or otherwise made available by this Act under the heading entitled "ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES", $12,000,000 shall be available only to support the Croatian-American Fund established by subsection (a).

Mr. DOLE. Mr. President, I rise to offer an amendment, together with the distinguished Senator from Utah, Senator HATCH, which would create an enterprise fund for Croatia and makes available $12 million for that purpose.

Much has changed in Croatia over the past few months. Less than 5 percent of Croatian territory is not under the Government's control. As a result, the number of displaced persons is rapidly dwindling.

It seems to me that with the situation in Croatia normalizing, with the return of displaced persons to their hometowns and villages, that an enterprise fund could make a significant contribution to Croatia's economy. Moreover, it would do so in a way that would promote free enterprise and a market economy—American values.

Mr. President, this Croatian-American enterprise fund would offer hope

and opportunity to the average Croatian—whether he or she is a would-be restauranteur or shopowner. Croatia has a lot of economic potential—next year should be a big year for Croatia's tourist industry, in particular.

I would also like to point out that the Croatian-American community in the United States has distinguished itself in many business sectors and will prove to be a rich source of support and expertise for the Croatian-American enterprise fund.

Mr. President, I believe that the time is right for establishing this fund and I urge my colleagues to support it.

AMENDMENT NO. 2763

(Purpose: To earmark funds for humanitarian assistance to the former Yugoslavia)

Before the period at the end of the heading entitled "INTERNATIONAL DISASTER ASSISTANCE", insert the following: ": *Provided*, That of the amount appropriated under this heading, $40,000,000 should be available only for emergency humanitarian assistance to the former Yugoslavia, of which amount not less than $6,000,000 shall be available only for humanitarian assistance to Kosova".

Mr. DOLE. Mr. President, I offer an amendment which would earmark $40 million for emergency humanitarian assistance to the former Yugoslavia with no less than $6 million of that amount for Kosova.

While there is some new optimism about the prospects for a settlement in Bosnia and Herzegovina, the humanitarian situation remains grim for large segments of the population of the former Yugoslavia. Winter is fast approaching. Life in Sarajevo is still one of minimum subsistence. Gorazde is a large refugee camp surrounded by hostile forces. Thousands of refugees are flooding the town of Banja Luka.

The bottom line is that even if a peace settlement were signed tomorrow, the humanitarian situation in Bosnia would not repair itself overnight—nor over the next few weeks and months. The humanitarian crisis will remain with us for the foreseeable future.

Furthermore, a peace settlement along the lines pursued by the administration would not address Kosova—a serious error from my perspective. In Kosova, 2 million Albanians continue to live as they have for the past 6 years—under martial law, without jobs and without enough food and medicine.

And so, I believe that we must do what we can to ensure that the people of the former Yugoslavia, particularly in Bosnia and Herzegovina and Kosova, are provided with food and medicine to relieve their suffering.

I trust that my colleagues will support this amendment.

AMENDMENT NO. 2764

(Purpose: To impose sanctions against countries harboring war criminals)

At the appropriate place in the bill, insert the following new section:

SEC. . SANCTIONS AGAINST COUNTRIES HARBORING WAR CRIMINALS.

(a) BILATERAL ASSISTANCE.—Assistance may not be provided in any fiscal year under the Foreign Assistance Act of 1961 or the Arms Export Control Act for any country described in subsection (c).

(b) MULTILATERAL ASSISTANCE.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions each fiscal year to work in opposition to, and vote against, any extension by such institutions of financing or financial or technical assistance to any country described in subsection (c).

(c) SANCTIONED COUNTRIES.—A country described in this subsection is a country the government of which permits entry into or presence in the territory of such country to any person—

(1) who has been indicted by the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, or any other international tribunal with similar standing under international law, or

(2) who has been indicted for war crimes or crimes against humanity committed during the period beginning March 23, 1933 and ending on May 8, 1945 under the direction of, or in association with—

(A) the Nazi government of Germany;

(B) any government in any area occupied by the military forces of the Nazi government of Germany;

(C) any government which was established with the assistance or cooperation of the Nazi government of Germany; or

(D) any government which was an ally of the Nazi government of Germany.

(d) DEFINITIONS.—As used in this section—

(1) the term "international financial institutions" includes the International Bank for Reconstruction and Development, the International Development Association, the International Monetary Fund, the European Bank for Reconstruction and Development, the International Finance Corporation, the Multilateral Investment Guarantee Agency, the Inter-American Development Bank, the Inter-American Investment Corporation, the African Development Bank, the African Development Fund, and the Asian Development Bank; and

(2) the term "war crime" includes any offense which is—

(A) a grave breach of any of the four Geneva Conventions for the Protection of War Victims of August 12, 1949;

(B) a violation of the Hague Convention (IV) Respecting the Laws and Customs of War on Land of October 18, 1907, or the Regulations annexed thereto;

(C) a violation of the Convention on the Prevention and Punishment of the Crime of Genocide of December 9, 1948; or

(D) a violation of the Charter of the International Military Tribunal of August 8, 1945.

Mr. DOLE. Mr. President, I offer an amendment which I believe is of great significance—and reflects our commitment to the pursuit of justice around the world.

This amendment would penalize any country that permits entry into or permits the presence of any person indicted for war crimes. Very simply, this amendment would prohibit U.S. bilateral assistance or support for multilateral assistance from international financial institutions to any country that provides sanctuary to war criminals.

Over the past 3 years, we have been witnesses to crimes against humanity. Courageous journalists revealed the horrors of starving and tortured Bosnian Moslems herded into concentration camps at Manjaca and Omarska. CNN brought the haunting images of the Rwandan genocide into our living rooms.

These crimes against humanity cannot be swept aside or forgotten. We cannot pretend not to know the truth. And because we know the truth, we have a duty to do all we can to bring those responsible to justice.

The International War Crimes Tribunal for the former Yugoslavia, under the able leadership of Justice Goldstone of South Africa, has already handed down a number of indictments—to include Gen. Ratko Mladic, the commander of Bosnian Serb forces and Radovan Karadzic, the leader of the Bosnian Serbs. However, the tribunal does not have the means to pursue those indicted. It is up to the countries where these indicted war criminals reside to turn them over.

Mr. President, the provisions of this legislation would apply not only to war criminals indicted by the International War Crimes Tribunals for the former Yugoslavia and Rwanda, but to any individuals indicted for war crimes—including Nazi war criminals.

I want to bring to my colleagues attention that one of the most notorious Nazi war criminals, Alois Brunner, is still alive and believed to be residing in Syria—where he went around 1955. Brunner is the former aide to Adolf Eichman and has been blamed for the deaths of 100,000 to 120,000 Jews and 60,000 non-Jews. His job was to ship prisoners under his charge to concentration camps. If it is true that Brunner is residing in Syria, then Syria would be subject to the sanctions under this legislation.

I hope that all of my colleagues will support this legislation. Passing this measure will send a strong message to war criminals that there are few places of safe refuge for them. It will also send the message to countries that provide sanctuary to individuals indicted for crimes against humanity, that there is a significant price to pay.

AMENDMENT NO. 2765

(Purpose: To limit the use of funds for Bosnia and Herzegovina (other than for refugee or disaster assistance) to activities in the territory of the Bosniac-Croat Federation)

On page 121, after line 24, insert the following new section:

LIMITATION ON FUNDS TO THE TERRITORY OF THE BOSNIAC-CROAT FEDERATION.

SEC. 605. Funds appropriated by this Act for activities in the internationally-recognized borders of Bosnia and Herzegovina (other than refugee and disaster assistance and assistance for restoration of infrastructure, to include power grids, water supplies and natural gas) may only be made available for activities in the territory of the Bosniac-Croat Federation.

Mr. DOLE. Mr. President, I rise to offer an amendment, together with the distinguished senator from Delaware, Senator BIDEN, which would limit the availability for United States assistance to Bosnia and Herzegovina—with the exception of humanitarian or refugee assistance—to activities in the territory of the Bosniac-Croat Federation.

The purpose of this amendment is two-fold: to induce Bosnia to remain unified and to guard against United States assistance falling into the hands of war criminals.

The fact is that the recently concluded "Agreed principles" recognizes two entities: the Bosniac-Croat Federation and a Bosnian Serb Republic. There is no agreement on a superstructure to unite these entities. The goal of the Bosnian Serb leadership has been to break away from the Republic of Bosnia and Herzegovina. There are no signs that this goal has been abandoned nor are there any indications that recognizing a Bosnian Serb republic is not just an interim step toward a Greater Serbia.

Furthermore, there are no guarantees or provisions in the "Agreed principles" to ensure that the Bosnian Serb republic will not have at its helm indicted war criminals such as Radovan Karadzic and General Mladic. So, if we do not make some provision in this legislation to take this possibility into account, United States assistance could end up in the hands of those indicted by the International War Crimes Tribunal for the former Yugoslavia.

Mr. President, I believe that this legislation sends a strong message of support for a unified Bosnia and Herzegovina, while protecting United States interests. My office has been in contact with the Serb members of the Bosnian Presidency and they have indicated their support for this measure. In their view, this amendment if adopted will not only encourage Bosnian Serbs to remain in Bosnia, but will prevent United States assistance from being used to shore up the leadership positions of Bosnian Serb separatists and war criminals.

I hope that all of my colleagues will support this measure.

AMENDMENT NO. 2766

At an appropriate place in the bill insert the following new section:

"SEC. . RUSSIAN COMPLIANCE WITH THE CFE TREATY AND PRIORITIES FOR MODIFYING EXISTING ARMS CONTROL TREATIES.

"It is the sense of the Senate that—

"(a) the failure by the Russian Federation to meet any obligation under the Treaty of the Conventional Armed Forces in Europe shall constitute non-compliance with the Treaty;

"(b) the United States should insist on full compliance by the Russian Federation with all of the obligations of the Treaty on Conventional Armed Forces in Europe;

"(c) the Treaty on Conventional Armed Forces in Europe provides adequate means by which the Russian Federation can meet its claimed military requirements for treaty-limited equipment in the flank zone defined by Article V of the Treaty, including movement of equipment within the flank zone, temporary deployment of additional equipment to the flank zone, and the temporary removal of equipment from designated permanent storage sites located in the flank zone; and".

AMENDMENT NO. 2767

(Purpose: To require the submission to Congress of a plan making recommendations for a strategic reorganization of the United Nations)

On page 121, after line 24, add the following new section:

PLAN RECOMMENDING A STRATEGIC REORGANIZATION OF THE UNITED NATIONS

SEC. ____. (a) 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.

(b) UNITED NATIONS REORGANIZATION PLAN.—

(1) 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.

(2) REQUIREMENT RELATING TO DEVELOPMENT.—The President shall develop the plan in consultation with Congress.

(3) PLAN ELEMENTS.—The plan should include the elements described in subsection (c) and such other recommendations as may be necessary to achieve the efficient, cost-effective conduct of the responsibilities of the United Nations.

(c) CONTENTS OF REORGANIZATION PLAN.—It is the sense of the Congress that the reorganization plan required by subsection (b)(1) 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;

(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; and

(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.

Mrs. KASSEBAUM. Mr. President, I rise today to offer an amendment to help focus our approach to reform of the United Nations and to ensure that Congress is fully involved in administration initiatives on this important matter.

This amendment is identical to language that was included in S. 908, the State Department authorization bill, except I have deleted a paragraph, to which the administration objected, which would have called for a review of potential amendments to the U.N. Charter. The amendment before us focuses exclusively on reforms that can be achieved without opening the charter to amendment.

The administration has welcomed this initiative generally and has not

opposed other provisions of this amendment, which was accepted in the manager's amendment to S. 908. When Congressman LEE HAMILTON and I outlined our thoughts on U.N. reform earlier this year, we were strongly encouraged by the support we received from many different quarters, including from the White House and from the majority leader, Senator DOLE. My hope is that this amendment will provide a framework for building a broad-based consensus on U.N. reform.

This amendment has two key elements. First, it states sense of Congress that the United States should lead an effort to develop and implement reforms of the United Nations, and it outlines several specific reform proposals that should be considered. This not intended to be an exhaustive list but rather to outline several proposals that are of particular concern. Second, it requires that the President submit to Congress along with his fiscal year 1997 budget a plan recommending a strategic reorganization of the United Nations. It also requires that Congress be closely consulted as the administration develops this plan.

Mr. President, I long have had a keen interest in reforming the United Nations. This is an effort I have undertaken with colleagues in both Houses and on both sides of the aisle. I believe it is imperative that we start to bring together the many divergent voices calling for U.N. reform and develop a single, responsible agenda for reform that all Americans can support.

The language I propose today is a small step, but I believe it will help us advance toward the goal of reaching consensus on what reforms we believe the United Nations must undertake. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Without objection, the amendments are agreed to, en bloc.

So the amendments (Nos. 2734 through 2767) were agreed to.

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

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

The motion to lay on the table was agreed to.

MICROENTERPRISE PROGRAMS

Mr. DASCHLE. Mr. President, I would like to engage the distinguished chairman of the Appropriations Subcommittee on Foreign Operations, Senator MCCONNELL, and the distinguished ranking member of the subcommittee, Senator LEAHY, in a colloquy on microenterprise programs and H.R. 1868, the fiscal year 1996 Foreign Operations, Export Financing, and Related Programs appropriation bill.

Mr. MCCONNELL. Mr. President, Senator LEAHY and I would be happy to discuss the provisions in the appropriations bill regarding microenterprise programs with the Democratic leader, Senator DASCHLE.

Mr. DASCHLE. Mr. President, before discussing the fiscal year 1996 Foreign Operations appropriations bill, I would like to express my sincere appreciation for the support the chairman and the ranking member have given microenterprise lending programs in the past. Their leadership in this regard has made it possible for microenterprise programs to improve the lives of millions of poor people around the world.

Mr. President, I understand the fiscal year 1996 Foreign Operations appropriations bill, as approved by the Appropriations Committee, does not designate a specific level of support for microenterprise poverty programs.

Mr. MCCONNELL. Mr. President, the Senator is correct. In an effort to maximize the President's flexibility, the committee recommended the consolidation of a number of bilateral economic assistance accounts including microenterprise poverty programs.

Mr. LEAHY. Mr. President, although the committee did not designate specific earmarks for microenterprise poverty programs, I would point out that the report accompanying the bill includes language reaffirming the committee's strong support for the program's efforts to encourage micro and small business as a means to help the truly poor transition out of poverty.

Mr. MCCONNELL. Mr. President, the ranking member is correct. The committee—on a bipartisan basis—agrees that these programs promote sustainable, market-base development at relatively little cost and deserve our support.

Mr. DASCHLE. Mr. President, it is also my understanding that the committee included language in the bill that requires a proportional allocation for accounts consistent with levels enacted in fiscal year 1995.

Mr. LEAHY. Mr. President, that is correct. The committee recommends approximately $2.1 billion for traditional bilateral aid, which is approximately 16 percent less than the level appropriated for fiscal year 1995. To ensure that no single account sustains an unreasonable share of reductions, the committee included language in the bill that requires a proportional allocation among accounts consistent with appropriated levels in fiscal year 1995. It flows from that premise that, as the committee report states, microenterprise poverty programs deserve support substantially consistent with last year's level.

Mr. DASCHLE. Mr. President, I appreciate knowing that the committee continues to support microenterprise programs and included bill language protecting development assistance from disproportional cuts. As a longtime proponent of microenterprise programs, I would like to encourage the chairman and the ranking member to do everything they can to maintain appropriate funding for these programs when they go to conference with the House.

I would also encourage Senate conferees to insist on conference report language reflecting that commitment as well as encouraging AID to allocate one-half of microenterprise resources to poverty lending programs that provide loans of less than $300 and to channel up to $39 million through central mechanisms structured to meet the goals of nongovernmental organizations like the Grameen Trust.

Mr. MCCONNELL. Mr. President, Senator LEAHY and I have discussed this matter and would like to assure the Democratic leader that we will do everything we can to include these recommendations into the conference report.

Mr. DASCHLE. Mr. President, I want to thank the chairman and the ranking member of the Appropriations Subcommittee on Foreign Operations for their clarification and assurances.

Mr. HATFIELD. Mr. President, I would like to begin by commending my colleagues the chairman of the subcommittee, Senator MCCONNELL, and the ranking member, Senator LEAHY, for their efforts on this bill.

While I am not pleased with the decreasing funding allocation for foreign aid operations, I understand the reality we face with regard to all of our discretionary spending. I support bringing our budget into balance and believe we must make sacrifices to achieve this end.

However, I continue to believe that foreign aid serves important U.S. interests. We have much more work ahead as we try to build basic health, education, and welfare infrastructures in the developing world. Of course, this cannot be an isolated U.S. effort. We must continue to work with our friends and allies throughout the world to expand global development efforts.

My opposition to the military aid in this bill remains firm. The United States should be ashamed by the level of arms sales included year after year in this bill. I would much rather see this money go toward development assistance.

Funding for international family planning assistance continues to be one of my priorities. I have included an earmark for the central office or core funding for AID Office of Population. This earmark will ensure the continued success of AID's population program, which is arguably the best in the world. Over the past 30 years, this program has been adjusted and finetuned time and again so that it runs as efficiently and effectively as it does today.

In addition, I am pleased by the level of funding for migration and refugee assistance. Worldwide, we continue to see a rise in the number of refugees fleeing ethnic strife, civil war, and political persecution. The United States

must retain a strong commitment to providing for the protection and care of these refugees.

It is my hope that the Senate will act quickly to pass this bill and conference with the House so that we can get it on the President's desk as soon as possible.

MEPFA AMENDMENTS

Mr. LEAHY. Mr. President, the bill also includes several floor amendments to the Middle East Peace Facilitation Act of 1995. One relates to Palestinian Authority offices in Jerusalem. Under the Israel-Palestinian agreements, the Palestinian Authority may only maintain offices in the areas under its jurisdiction, which do not include Jerusalem. Recently, Israel and the Palestinians satisfactorily resolved questions that had been raised about existing Palestinian institutions in Jerusalem. The amendment included in the bill would deny assistance to the PLO if it were to fund a new office in Jerusalem that did not conform to Israeli-Palestinian agreements and understandings. A second amendment included in the bill requires the PLO to cooperate fully with the United States on the provision of information on U.S. nationals known to have been held by the PLO or its factions. This amendment would cut off U.S. assistance if the PLO is not responsive to further, specific U.S. requests for information that may be in its possession.

Mrs. BOXER. Mr. President, in our Nation's continuing efforts to balance the budget, calls to slash foreign assistance are frequently heard. I will take a few moments today to explain my thoughts on the importance of our foreign assistance programs and the continuing need for U.S. leadership around the world.

It must be understood that foreign assistance is only a minuscule fraction of the Federal budget—less than 1 penny of every dollar spent by the Government is used for foreign assistance. And since the end of World War II, the share of the Federal budget dedicated to foreign assistance has consistently declined. Foreign assistance is not busting the Federal budget. That is a simple fact. Those who believe that we can balance the budget painlessly overnight by slashing foreign assistance are simply wrong.

What do we get for the 1 percent of the budget we invest in foreign assistance? In my view, our meager investment has yielded incalculably valuable returns. Through foreign assistance, we have promoted peace and stability throughout the world and avoided countless wars and their tremendous human and financial costs.

For example, in the Middle East—one of the most explosive regions of the world—our commitment to a strong and secure Israel and our dedication to the framework established in the Camp David accords has been a major contributor to the peace process now underway.

Through our foreign assistance programs, we have shown unequivocally that the United States strongly supports the State of Israel as a friend, fellow democracy, and key strategic ally. We have sent the equally important message to Israel's neighbors that they will be welcomed into the community of nations if they are willing to make peace. That was the spirit of the Camp David accords.

More recently, Israel has reached major agreements with Jordan and the Palestinians. Each of these historic agreements was reached with the assistance of U.S. facilitators and the promise of our development assistance. Without the promise of foreign assistance, it is possible that none of these important agreements would have been reached.

The bill before the Senate today wisely builds upon the peace process by earmarking funds for our Camp David partners. Also the bill includes a new legislative provision, the Middle East Peace Facilitation Act of 1995, which will enable the administration to continue to play an active role in the Middle East peace process.

For these and other reasons, I urge my colleagues to support this bill.

Mr. DOMENICI. Mr. President, I rise in support of H.R. 1868, the foreign operations, export financing, and related agencies bill for fiscal year 1996.

I am pleased to join the committee in supporting the passage of this bill by the full Senate.

Mr. President, the foreign operations appropriations bill provides $12.3 billion in budget authority and $5.9 billion in new outlays to operate the programs of the Department of State, export and military assistance, bilateral and multilateral economic assistance, and related agencies for fiscal year 1996.

When outlays from prior-year budget authority and other completed actions are taken into account, the Senate bill totals $12.3 billion in BA and $13.8 billion in outlays for fiscal year 1996.

The bill is at the subcommittee's 602(b) allocation for budget authority and $127.2 million in outlays below the subcommittee's section 602(b) allocation. It is $2.4 billion in BA and $0.5 billion in outlays below the President's budget request. It is $442.5 million in BA and $13.4 million in outlays above the House-passed bill.

I want to thank the distinguished chairman and ranking member of the full Appropriations Committee, as well as my friends on the subcommittee, for deleting a provision in the bill that included a directive with respect to the budget scoring of the bill.

This action prevents this bill from being subject to two points of order under the Congressional Budget Act, and I am certain it will expedite consideration of this important bill.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of this bill be printed in the RECORD, and I urge the adoption of the bill.

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

FOREIGN OPERATIONS SUBCOMMITTEE

[Spending totals—Senate-reported bill (fiscal year 1996, in millions of dollars)]

	Budget authority	Outlays
Nondefense discretionary:		
Outlays from prior-year BA and other actions completed	68	7,950
H.R. 1868, as reported to the Senate	12,300	5,841
Scorekeeping adjustment	.....	.....
Subtotal nondefense discretionary	12,368	13,791
Mandatory:		
Outlays from prior-year BA and other actions completed	.....	.....
H.R. 1868, as reported to the Senate	12,300	5,841
Adjustment to conform mandatory programs with Budget	0	0
Subtotal mandatory	12,300	5,841
Adjusted bill total	24,668	19,632
Senate Subcommittee 602(b) allocation:		
Defense discretionary	.....	.....
Nondefense discretionary	12,368	13,918
Violent crime reduction trust fund	.....	.....
Mandatory	44	44
Total allocation	12,412	13,962
Adjusted bill total compared to Senate Subcommittee 602(b) allocation:		
Defense discretionary	.....	.....
Nondefense discretionary	.....	−127
Violent crime reduction trust fund	.....	.....
Mandatory	12,256	5,797
Total allocation	12,256	5,670

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mrs. FEINSTEIN. Mr. President, I am pleased that the Senate Appropriations Committee has wisely earmarked $350 million for the Office of Population at the U.S. Agency for Development because I understand the extreme importance of family planning program availability and population assistance.

Investment in population assistant programs today will save us from much more costly investments in the future when unchecked population growth results in environmental deterioration, scarcity of resources, and pronounced economic hardship. Overpopulation is one of the most serious problems our world faces today.

Reducing spending in these areas will have the immediate effect of negatively impacting, in a serious way, the health and well-being of women and children.

However, I oppose the attempt to prevent these U.S. funds deemed for population planning assistance from contributing to the United Nations Fund for Population Activities [UNFPA]. I would like to emphasize a few particulars about this international organization.

UNFPA is the primary multilateral organization providing global family planning and population assistance programs. UNFPA directly manages one-third of the world's population assistance to developing countries; its

work has saved countless numbers of lives since its inception.

Programs managed by UNFPA improve the quality and safety of contraceptives available to women which contributes to reducing the incidence of abortion. UNFPA does not support abortion or abortion-related activities.

UNFPA helps improve women's reproductive health and provides both maternal and child heath care—basic health care services which are largely unavailable throughout the developing world.

I am dismayed by opponents of UNFPA who wrongly submit that this organization is involved in providing abortion services in China or otherwise. This is simply not the case. Let me state again, UNFPA is not involved in abortion services anywhere.

UNFPA has proven its expertise in this area since its founding in 1969, increasing availability of contraceptives in the developing world, reducing population growths, and saving lives. I believe that U.S. contributions to the U.N. Fund for Population Activities is appropriate and wise, and I oppose this attempt to prevent funding to be used for this purpose.

Mr. BYRD. Mr. President, this foreign operations appropriations bill, totaling $12.3 billion, is 16.5 percent below the President's request of $15.2 billion. In most respects, it represents a substantial change from previous foreign operations bills. Bilateral economic assistance is cut 22 percent below the President's request. U.S. contributions to multilateral development banks are cut by 43 percent from the fiscal year 1996 request. While harsh, these cuts are in keeping with the other deep and painful cuts being made in most other appropriations bills that fund vital domestic programs.

In one important respect, however, this foreign aid appropriations bill has not changed to reflect either the current difficult budget realities or the changing world situation. Assistance to Israel and Egypt, and particularly to Israel, remains constant. In fiscal year 1995, Israel received over one-third of the total foreign aid appropriation of $14.4 billion. Israel's $5.0 billion in foreign aid from the United States included $1.2 billion in economic support funds—a direct cash infusion to the Israeli Government's coffers—$1.8 billion in foreign military financing grants; $80 million in refugee settlement grants; $2.0 billion in loan guarantees; $10 million in cooperative development grants—for Israel's foreign aid programs to other countries; and $3.5 million in regional cooperative assistance funds. This total does not include other funds and programs, primarily contained within the Department of Defense appropriations bill, that also benefit Israel's military, security, and military research and development programs.

Fiscal year 1996, the request for Israel includes $1.2 billion in economic support funds, $1.8 billion in military assistance, $80 million for refugee assistance, $10 million for cooperative development grants, $3.5 million for regional cooperative assistance, and up to $200 million in excess defense equipment. Because of the Camp David Accords that established peace between Israel and Egypt in 1978, Egypt also benefits from United States largess to Israel. The Camp David Accords were followed by a foreign aid funding equation that also rewards Egypt, but to a lesser degree. In fiscal year 1996, Egypt will receive $1.3 billion in foreign military financing grants, $815 million in economic support funds, and an earmark for a telecommunications project.

While peace between Israel and Egypt was and remains important, and while the United States-Israel relationship remains close, I must question the wisdom in continuing to reward these two countries at the same historically high levels when the cost is counted in sharply decreased United States assistance and influence in other areas of the world that are also important to the United States. Israel and Egypt made peace in 1978, 17 years ago. How long does the United States intend to reward this accomplishment with financial support? Financial rewards on the same scale have not been offered to Jordan, which most recently agreed to make peace with Israel.

There has been a lot of rhetoric on this floor about "sharing the burden of deficit reduction." Domestic programs, including historically untouchable programs like Medicare, Medicaid, and veterans benefits, are all being forced to swallow the bitter tonic and budget cuts necessary to meet draconian budget goals. Other foreign interests of the United States are being cut quite dramatically in order to support the sacrosanct aid to Israel and Egypt and also address other vital foreign interests, such as reducing the former Soviet nuclear stockpile. Other longtime allies, including Turkey and Greece, both important NATO members, have seen significant changes in their foreign assistance. Why not Israel?

Israel has received a grand total of more than $67 billion in foreign and military assistance from the United States since its founding in 1949. Since 1976, Israel has been the largest annual recipient of cumulative United States assistance since World War II. Mr. President, I do not raise these points because I am a foe of Israel. I do not wish to be thought of as anti-Israel. I hold no malice toward the people of Israel. But at a time in which all spending is under tremendous pressure, at a time in which other deeply revered and historically important government priorities are being crushed to squeeze out savings for deficit reduction, it simply does not seem fair to shield foreign aid to Israel and Egypt from the same budgetary forces. Surely, we can continue to safeguard the physical and economic security of Israel while subjecting United States assistance to the same budgetary scrutiny that all other assistance and domestic programs undergo.

Mr. President, I have always favored putting my support behind domestic priorities, such as education, roads, police, and other programs that support American competitiveness. All of these domestic priorities are under the budgetary axe. For the most part, U.S. overseas interests supported in this bill are also being reduced. But not the single largest recipients of U.S. foreign aid. This is not reasonable, and it is not equitable. For these reasons, I shall not vote in favor of this bill.

AMENDMENT NO. 2760

Mr. DODD. Mr. President, I want to put some perspective on the amendment that has just been offered by Senator DOLE with respect to Haiti. First, I say without equivocation that I believe that the President's policy with respect to Haiti has been a tremendous success. I for one am proud of the decision that the President made to restore democracy to Haiti. I thought it was the right thing to do then, and it certainly has proved to be the case thus far.

Let's review for a moment what has happened since that dramatic moment last September when the President ordered the deployment of United States Forces to Haiti:

The multinational force was peacefully deployed, without loss of life, and facilitated the departure of the military coup leaders;

Conditions were created that permitted President Aristide to return to Haiti on October 15 to resume office;

The multinational force was replaced by a much smaller U.N. force with the number of U.S. troops significantly reduced;

The Government of Haiti conducted elections and run-offs to fill more than 2,000 parliamentary and municipal posts—the most complex elections in Haiti's history;

The Armed Forces have been effectively dissolved and the interim police force is being replaced with a professionally trained permanent force under civilian control;

The human rights situation, while by no means perfect, is light years better than 1 year ago when more than 3,000 Haitians were being killed annually.

The Haitian economy which suffered significant decline during the military coup has begun to turn around and show positive growth.

That is quite a remarkable set of accomplishments in a very short period of time. On October 15, President Aristide will truly have something to celebrate at the 1-year anniversary of his restoration to office.

We have all read press reports of the confusion and disorganization that surrounded last month's elections in Haiti. I would be the first to say that I would have preferred an electoral process that was picture perfect, and strictly by the book. That didn't happen. It didn't happen in large measure because the situation in Haiti isn't perfect—it is a desperately poor country in which at least 50 percent of the population cannot read or write.

It is a country that has been plagued by political violence for much of its tragic history. It is a country with a history of predominantly dictatorial rule.

I do not seek to make excuses for the events which transpired in Haiti in June, but I do think some analysis of the circumstances surrounding the elections will help to put the process in some perspective.

First and foremost, until 11 months ago the prospects of any election being held in Haiti were virtually zero. Only after President Clinton's courageous decision last October to return President Aristide to office did the possibility of elections become a real option.

The newly returned Aristide administration had enormous hurdles to overcome, just to deal with the day-to-day running of the government. It returned to Port-au-Prince to find government offices stripped bare—no typewriters, no paper, no pens, no desks, in some instances even toilets were gone. On top of that, the international community insisted that elections for more than 2000 parliamentary and municipal offices be held as quickly as possible. No small task in a country where one can count on one hand, perhaps on one finger, the number of Democratic elections that have occurred. Election preparations had to take place virtually from scratch. Voter registration had to be undertaken on a massive scale nationwide. An election commission had to be formed and thousands of citizens recruited to participate in getting the election organized.

It seems to me that on June 25, the Haitian people made it pretty clear that, despite all the warts associated with the days leading up to the election, they had enough faith in the process to turn out and vote in large numbers. So did the vast majority of Haiti's political parties—left, right, and center—who chose to have their candidates appear on the ballot. When election day dawned—the people of Haiti came out to participate. They came from miles away. They stood in line, sometimes for hours in the hot sun. They exercised their constitutional right to cast their ballots and to choose the individuals who would represent them in their national and local governmental structures. That to me says a great deal about the validity of the process.

Yes, there were misplaced voter registration cards—yet election officials were able to register nearly 90 percent of all eligible voters. Yes, a very small percentage of political candidates were excluded from running for ill-defined reasons, yet more than 10,000 individuals ended up running for 2,200 public offices. Yes, there were some polling places which did not open on time, or in some cases at all, yet in many others the polling stations opened, the ballots were available and people made their choices.

Haitian authorities have already acknowledged that mistakes were made. They had special elections in August and run off elections in September. Improvements were made to the electoral process. Changes were made in the electoral council.

I for one am glad that the people of Haiti had the opportunity to participate in elections recently, imperfect as they were. I suspect that were we to ask, them they would overwhelming share that view. Today, the people of Haiti are one step closer to having the kind of government to which they aspire. Tomorrow, as they learn from their mistakes and through their own hard work they will be closer still.

Instead of attempting to score partisan political points, as some would seek to do, I believe that we all should stand behind our current policy, try to make it work, so that the people of Haiti can have a brighter future after having suffered for so long in the shadows of oppression.

I ask unanimous consent that the attached articles be printed in the RECORD at the conclusion of my remarks.

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

THE HUMAN RIGHTS RECORD OF THE GOVERNMENT OF HAITI

The human rights observers of the joint OAS/UN International Civilian Mission have been in Haiti since February 1993 with two interruptions brought about by evacuations for security reasons.

Our mandate:

to monitor and report on the human rights situation; to promote and to protect human rights; and to contribute to the reinforcement of institutions.

The International Civilian Mission has therefore been able to monitor in the field, the evolution of the human rights situation under the de facto regimes of the period of the coup d'état and under the constitutional government.

The human rights situation under the military who dominated all the institutions was characterized by widespread and systematic human rights abuses—extrajudicial executions, torture or other forms of cruel, inhuman or degrading treatment, forcible disappearances, illegal arrests and detentions; and restrictions on the freedoms of expression and assembly. These abuses were carried out by the security agents of the state—the police and the army and those to whom they gave impunity, the attachés (armed civilian thugs) and later on the members of the paramilitary group, FRAPH.

The return of President Aristide in October 1994 has brought about and also facilitated a number of structural changes which have had a positive impact on the human rights situation.

First, the return to constitutional government has brought about the re-assertion of civilian authority and ended the subordination of key institutions to the military;

Second, the elimination of the army an the consequent neutralizing of the attachés and the para-military groups have dismantled the repressive network responsible for widespread human right abuses during the coup d'etat period; and

Third, institutional reforms, in particular the training and deployment of the new civilian professional Haitian National Police, improvements to the administration of justice and to prisons in the framework of judicial and penal reforms.

These structural changes and institutional reforms carried out with the assistance of the international community have been accompanied by the clear determination of the government to improve the quality and the performance of judicial officials and to supervise the conduct of the new security agents (code of conduct, inspectorate for the Haitian National Police, applications of sanctions in cases of misconduct), whose activities impinge directly on the respect or lack thereof for human rights. The outcome of all these elements has been considerable improvement in the human rights situations. Widespread and systematic abuses are no longer the rule. The freedoms of expression and of assembly are now exercised by different sectors of Haitian society, including by those critical of the policies of the President and his government. Time limits on legal procedures are more frequently respected as well as legal and constitutional guaranties. The treatment of prisoners and to a lesser extent the conditions of detention have improved with the establishment of a new cadre of trained correction officers. President Aristide's constant calls for reconciliation have without doubt played an important role in limiting incidents of vengeance and contributed to a more relaxed atmosphere and a feeling of security in the country. It should also be emphasized that Haitians have voted three times over the past four months in a secure and largely non-violent climate.

A great deal of ground has been covered over the past eleven months. A clear sign of these improvements is the dramatic decrease in the number of complaints brought to the attention of the International Civilian Mission. However, a lot more remains to be done, and there are concerns. We are concerned by acts of summary "Justice" carried by the population, though there has been a sharp decrease of late. Also of concern is the series of some 20 cases of killings by unidentified individuals, most of them "Commando style", recorded since the beginning of the year, where robbery did not appear to be the motive and the victims were targeted. The reasons for these killings remain unknown. The Mission has not been able to identify any set of elements which would link these crimes together or to agents of the state. Some reports of ill-treatment of detainees and abuses of power by agents of the state have been brought to the attention of the International Civilian Mission. Procedural irregularities with regard to arrest and detention continue to endanger the respect for human rights and due process. The International Civilian Mission has repeatedly urged the government to develop its criminal investigation capacity to bring an end to impunity which has been traditional in Haiti.

The challenge of the coming months will be to build on the steps already taken. Improving human rights means not only reducing human rights violations but also creating and strengthening structures and mechanisms to prevent their recurrence in the long term. The government must pursue the reforms of the institutions which have a direct bearing on the protections of human rights, (justice, prisons and police). Strengthening the mechanisms of accountability will send a clear message that the state will not tolerate human rights violations. The already considerable improvement in the human rights situation must be continued. The government has already shown it has the political will to act in this domain.

AMNESTY INTERNATIONAL USA STATEMENT ON HUMAN RIGHTS IN HAITI SINCE THE RETURN OF CONSTITUTIONAL RULE

Amnesty International has been following human rights issues in Haiti for a number of years. We have documented the extensive violations in the city and in the countryside, under Papa Doc, Baby Doc, and those that followed the fall of Baby Doc in 1986. Amnesty documented human rights violations in the first administration of President Jean Bertrand Aristide. But we also documented the first genuine attempts at dismantling repressive structures, with the dismantling of the system of the chefs de section and the disbanding of the notorious tontons macoutes, who had been renamed by Baby Doc. We watched with horror as the coup that overthrew President Aristide heralded a new wave of terror unparalleled in its extent and in its ferocity in Haitian modern history. Only a few notable exceptions failed to notice the horror that unfolded in Haiti.

Amnesty International welcomed the changes in the human rights panorama after constitutional government was restored by the UN Multilateral Force. Significant among these changes was the precipitous drop in documented extrajudicial executions, incidents of torture and ill-treatment, and the use of rape as a political terror tool. This is not due to a lack of information available because the population is too afraid to report violations. On the contrary, with the return of constitutional rule in Haiti, the UN/OAS International Civilian Observer Mission returned to Haiti to document abuses, and international and other non-governmental human rights organizations have had more access than under the de facto government. Furthermore, there has been more access to members of the press. Thus the drop in numbers is not due to a reluctant public cowed into submission.

There have been a number of killings over the past few months of people across the political spectrum. So far, apart from the Mireille Durocher Bertin case in which in any case, arrests have been made but the motivation still remains unclear, Amnesty International has not received any specific allegations that government officials were involved either directly or indirectly. Indeed, criminal investigations are believed to be under way into most if not all of the killings, and in some arrests have been made. There have been one or two reports that so-called "brigades de vigilance" were responsible for some killings in rural areas which Amnesty International is investigating. However, there is no central structure for such brigades and they vary widely in their composition and functions. Amnesty International has so far not received any evidence indicating that they are centrally coordinated or that the authorities are using them for such purposes.

Problems do remain in Haiti, although we can be unequivocally clear that Amnesty International has found no evidence of any kind of systematic targeting of government opponents by the current Haitian government. Amnesty's overriding concern at the moment is the question of impunity. This impunity, the escaping from punishment, is benefiting those who once terrorized the population during the years of de facto rule, the very opponents of the current government.

So far there have only been a few attempts to bring perpetrators of past abuses to justice. This is due partly to the slowness of reforms to the judiciary. It is very hard to find out exactly what cases have been brought to trial and to get details of the procedures/outcome as they do not get much publicity, either inside or outside Haiti. There was a trial in absentia of the ex-police chief of Cayes, former lieutenant Emery Piram, and was sentenced to sixty years' imprisonment for the death under torture of Jean-Claude Museau in 1992. This is one of the few cases the government said it wanted to bring to trial. In addition to this trial, the exparamilitary member Gerard Gustave (alias "Zimbabwe") has been sentenced to life at hard labour for his part in the assassination of Antoine Izmery in September 1993. Other investigations and trials are underway, although this still only represents a few of the cases of HRVs known to have taken place under the de facto government. We are currently investigating the trial proceedings to ensure they conform to international standards.

While it would not be true to say that nothing is happening on this front, it is clearly inadequate and slow and the government has not so far shown much determination to confront the issue. However, the international community must also do its part to help rebuild civil institutions. A significant contribution will be to disburse the already promised assistance to the Truth Commission. In any case, from what we can gather, as well as the six or so cases the government itself said it was investigating, many victims and victims' relatives have presented complaints to the authorities so it is not for lack of cases that little progress has been made. It is imperative that impunity in Haiti be broken; time and again we have seen how those who terrorized once can terrorize again.

Amnesty International certainly welcomes what steps have been taken so far to bring perpetrators of past and current abuses to justice and urge the government, as a matter of urgency, to further strengthen the judiciary to ensure that as many cases as possible can be pursued and that all such trials adhere to international standards for a fair trial. We believe it would be very useful if more was made public concerning the progress of investigations and trials.

Insofar as prison conditions are concerned, these are said to be improving gradually and a national overseer of prisons has been appointed. We understand that nutrition has modestly improved and the International Committee of the Red Cross has had access.

[From the Washington Times; Sept. 18, 1995]

HAITI, ONE YEAR LATER

Remember Haiti? One year ago, our attention was focused on that small island country, as 20,000 American troops waited for the signal to invade. Self-styled American ambassador at large Jimmy Carter was busy negotiating with Gen. Raoul Cedras, hoping to persuade him to exit peacefully rather than face the U.S. forces with his ill-equipped army of thugs. On that day also, Gen. Colin Powell was in the news, having accompanied Mr. Carter to lend some muscle to the mission. And back in Georgetown was President Jean-Bartrand Aristide, urging the U.S. government on to deal with his enemies.

Haiti may have been as tiny a nation as we could have found to invade, but the thought of sending American soldiers into harm's way in a place known for its brutal, corrupt regimes and abject poverty, nonetheless made many here at home highly skeptical about the whole enterprise. Nor did it inspire confidence that the Clinton administration had shown itself particularly inept at handling foreign affairs and previously endured the humiliation of having to withdraw a transport ship with U.N. troops, including 200 Americans, from Port-au-Prince when faced with an unruly mob. It would not be too much to say that the operation was attended by the lowest possible level of expectation here at home.

One year later, the good news is that the dire misgivings, expressed among others by this page, have not come true. The only deaths experienced by U.S. soldiers there have been due to suicide. Significant armed resistance to the Americans did not materialize, and the military strongmen finally agreed to depart the scene back in October (with much of their ill-gotten gains). That meant the crippling sanctions could be lifted and President Aristide returned. The flood of boat people, which spurred the U.S. action in the first place, was stopped. By March 31, the bulk of the U.S. troops could be sent home, and the mission officially over to the United Nations. The remaining Americans are scheduled to leave after the presidential elections early next year.

So far, so good. Nevertheless, a huge question remains about Haiti's long-term future. Certainly the return of Mr. Aristide has not meant much improvement materially for most Haitians. And the elections held in June were not much of a cause for celebration. The international community had more than half a year to prepare for them, yet due to incompetence and the intransigence of the Haitian election committee, dominated by Aristide supporters, the event which so many Haitians had longed for turned into a dreadful mess. There was murder and violence, and some 100,000 Haitians were unable to vote; make-up elections had to be held in August. Just this weekend, we had yet another act in this drama as run-off elections were held between candidates in a tie for their seats. The voting was boycotted by opposition politicians who claim fraud perpetrated by Lavalas and its sister parties. Nor is it clear whether Mr. Aristide will in fact step down at the end of his five-year term; quite a "movement" has gotten under way to "persuade" him to stay on.

Still, there may be some important lessons to be learned here for the United States. One, which is now being applied in the former Yugoslavia, is that American leadership can work, and that it helps tremendously when it is backed by the willingness to use overwhelming force. The Bosnian Serb army this weekend started to withdraw its heavy weapons from around Sarajevo. For three murderous years, the Serbs stubbornly refused to do just that, until the NATO bombing campaign changed their minds. What was also learned in Haiti (as in Somalia and Bosnia) is that such operations cannot be trusted to the United Nations because that means essentially no one is in charge and no one is responsible for the outcome. The conclusion here should not be that the

United States must become international policeman and nanny; it is still debatable whether U.S. interests are at stake in Haiti. What is clear, however, is that where the stakes are deemed high enough, American initiative and muscle can be as effective as ever.

[From the New York Times, Sept. 21, 1995]

MR. ARISTIDE'S FIRST YEAR

A year after American troops landed in Haiti to secure the return of its exiled President, the country is clearly in better shape. Despite the fears of his detractors, Jean-Bertrand Aristide has not incited his followers against their former oppressors, but urged reconciliation. Most Haitians no longer live in fear of political violence. Mr. Aristide has reached out to business leaders. He has made a credible beginning, but there is still much to do.

Mr. Aristide wisely declared he will not run for another presidential term, resisting the temptation to take advantage of his popularity to carry on the Haitian tradition of government-by-personality cult. Now he needs to use the time left in his term to broaden his governing skills. Mr. Aristide is not much of an administrator.

Mr. Aristide's senior officials operate with little direction, and the country is still chaotically governed. The simple necessities for doing business—such as electricity—are still in short supply. While there has been some domestic investment, virtually no money has come into the country from foreign investors, and international lending institutions are leery of providing aid with few government structures in place. Inflation, however, has fallen below 25 percent from 52 percent last year, and gross domestic product has risen by 3 percent, compared to a 10 percent decline last fiscal year.

The recent highly flawed parliamentary elections—which resulted in overwhelming victories for Mr. Aristide's Lavalas Party—have left opposition parties feeling disgruntled and cheated. Although there was little evidence of outright fraud, the electoral commission was unacceptably disorganized. The electoral commission's inept chairman was dismissed, but reform of the commission itself has been stalled.

The United Nations force of 6,000—including 2,400 American troops—is due to leave at the end of February. The new police force has made a good start. Recruiting has been selective, and officers have won confidence in neighborhoods where police were regarded as the enemy. Reform of the justice system is proceeding well, with judges and prosecutors receiving training from international experts. But with no civil service tradition, much of the government bureaucracy is still dysfunctional.

Given Haiti's violent history, simply calming the country's polarized political climate is an impressive achievement. But Mr. Aristide now needs to break his isolation, cooperating with his senior ministers to come up with a coherent plan for getting the country back on its feet.

For now most Haitians are simply grateful that they can sleep free from fear. But that gratitude will wear thin if Mr. Aristide does not figure out how to take the next steps, which include everything from creating jobs to collecting the garbage.

INDONESIA'S DEPLORABLE HUMAN RIGHTS RECORD

Mr. FEINGOLD. Mr. President, as the Senate considers the foreign operations appropriations bill, I want to discuss two provisions which sanctioned Indonesia for its deplorable human rights record in East Timor, and which were eliminated in the chairman's bill. I want to make it clear that Indonesia has done nothing to improve its human rights record in the past year which would recommend any change in United States policy.

As my colleagues know, Indonesia has brutally occupied the Catholic population of East Timor since 1975. In that time, East Timor has been the focus of many international human rights efforts, not the least of which are those that have been spearheaded by my friend and colleague from Rhode Island, Senator PELL. To my disappointment, those causes have not been championed by any U.S. administration.

But in recent years the Indonesia military rule has become particularly cruel. Today, I want to dispel any myths among my colleagues that despite Indonesia's economic successes in the past few years, its human rights record continues to be dismal, and is particularly deplorable in its activities in the last year in East Timor. Such instability and violations can only destabilize the regime that some business interests are all to quick to invest in.

Since the Indonesians invaded East Timor 20 years ago, over 200,000 East Timorese have died—about a third of the entire population. Indonesia's self-styled annexation of the territory has not been recognized by the United Nations, nor the United States, which acknowledges that "no act of self-determination has ever taken place." The military is practically omnipresent throughout the island, and according to diplomats stationed in Indonesia, "its callousness in dealing with the local population" is shocking.

East Timor made international headlines in 1991 when the military massacred, by conservative estimates, at least 100 East Timorese who were attending a funeral. It was all videotaped before international cameras. Today, the National Human Rights Commission in Jakarta says it has evidence that the massacre was "not a spontaneous reaction to a riotous mob, but rather a planned military operation designed to deal with a public expression of political dissent." Today, 66 people remain unaccounted for, and the commander of the operation is Vice President of Indonesia.

Congress has acted twice since then. First, in 1992 we cut off IMET funding for Indonesian soldiers to distance our support for the Indonesian military that committed the atrocity at Dili. Last July, to signal further disappointment with the disintegrating situation, we codified administration policy on the linkage between the sale of small arms and human rights.

I have a letter from the administration, addressed to Senator LEAHY and myself, which indicates that the administration will continue its ban on the sale or licensing of small and light weapons, and crowd control instruments, until there has been significant progress on Indonesia's human rights record. The letter also says the administration will offer only expanded-IMET—human rights training for the military—to the Indonesians. I ask unanimous consent that the letter be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. FEINGOLD. Mr. President, I regard this is as a commitment from the administration that current policy will remain in place, whether we legislate it or not. I expect the administration to continue to consult with Congress on Indonesia. I am particularly concerned that we agree upon what "significant progress" means. Our legislation has included six conditions, including significant troop withdrawals from East Timor and Indonesian participation in the U.N. Secretary General's peace talks. Indonesia must understand that there is an international price to pay for their continuing occupation.

Since last July, when Congress passed this amendment, there have been several developments in East Timor—most of them quite discouraging, some quite violent, and some hopeful.

The tension in East Timor has been intensifying for the past year—influenced in part by the ongoing power struggles in Jakarta, the increased resentment of the presence of Indonesian military officers and vigilante groups, and the immigrant settlers brought in by Indonesia to consolidate their occupation of the island.

The Indonesians have had some bizarre responses. For instance, last summer, they went to great lengths to pressure their ASEAN partners to prevent private conferences on East Timor to take place in the Philippines, Malaysia, and Thailand.

But the violence has been on the increase as well—particularly since the APEC summit in November. During the summit protesters were detained and, by most accounts, tortured. Reports of deaths of protesters at the hands of Indonesian soldiers have been constant all year.

On January 12, 1995, there is documented evidence that the military tortured and killed six civilians in Liquicia in a horrendous incident. Even the Government-appointed National Commission on Human Rights acknowledged that "a process of intimidation and torture by security officials" occurred and resulted in "unlawful shootings by the military." It found that "there was intimidation and torture by the security officers in charge at the time to extract confessions."

Recently, there has also been an outbreak of gang violence, of hooded vigilantes terrorizing, abducting, assaulting, intimidating, and harassing East Timorese. These gangs—commonly known as Ninjas—have been described by residents and human rights monitors as military-related death squad-type bands. Travelers describe walking on the tropical island on a sunny Sunday afternoon, and being passed by armed youths, covered in ski masks.

Notably, the Ninjas have not been reigned in by the same military that has so effectively suppressed the East Timorese. For that reason, there is reason to believe that they are tolerated by the military. There is even some evidence that they were created by the military to do what uniformed soldiers cannot because of international attention.

Mr. President, there must be an investigation into the operations of these groups, and why they are permitted to continue functioning in East Timor.

Other forms of torture by the military are still commonplace in East Timor as well. In January 1994, the U.N. Human Rights Commissioner's Special Rapporteur on Torture reported that the most common forms of torture are beating on the head with wood, iron bars, bottles, and electric cables; kicking with heavy boots; electric shocks—mostly with cattle prods; slashing with razor blades and knives; death threats and faked executions; hanging people upside down by their feet; isolation; sleep deprivation; and the rape of East Timorese women.

The U.N. Special Rapporteur for Torture reported last year that there were "patterns of dealing violently with political dissent and [a] virtual impunity enjoyed by members of the security forces responsible for human rights violations."

The U.N. Human Rights Commission this year once again comdemned Indonesian abuses in East Timor. It also forced Indonesia to invite the U.N. Human Rights Commissioner to visit East Timor. This was the first time that happened since 1975.

The United States, in my view, has not lived up to its leadership responsibilities on this issue. While administration rhetoric—though measured—sounds supportive of human rights protections, the policy has not been forceful enough, given the extreme extent of the brutality that I described. For example, the United States defers to the U.N. peace process by which the Indonesians and Portuguese are supposed to work with the East Timores, yet the United States has not applied sufficient—if any—pressure to get the Indonesians to participate seriously in the talks. The administration says it is concerned about the military troop presence in East Timor, yet it has never devised a plan of action to work with the Indonesians, or requested a plan for Indonesian troop withdrawal from the island. In fact, at most, the administration seems to investigate the level of troop presence in East Timor only when a Member of Congress asks whether the promised reductions ever took place.

I am also perplexed why the United States is even trying to placate Indonesia. The administration permits Indonesia to buy IMET: However, for years they have been lobbying to get the taxpayer to subsidize the Indonesian military training. And while there is a small arms ban in place to prevent United States weaponry for being used in human rights violations, the administration is now trying to sell F-16's to the Indonesian military.

Mr. President, given Indonesia's defiant human rights policies, I see no reason to weaken United States policy toward it. In fact, the record of the past 2 years only indicates continued repression, continued deterioration, and increased violence against the East Timorese.

I appreciate the administration's commitment to continue its current policy, and only hope that it will redouble its efforts on behalf of human rights in Indonesia and East Timor.

I thank the Chair and yield the floor.

EXHIBIT 1

U.S. DEPARTMENT OF STATE,
Washington, DC, September 21, 1995.

DEAR SENATOR FEINGOLD: I am writing about your continuing concern about the human rights situation in Indonesia, including in East Timor, and your interest in the Administration's policy towards that country, specifically our current arms sales policy and our proposed International Military Education and Training (IMET) program.

We too are concerned about the human rights situation in Indonesia, including in East Timor, and we raise our concerns with the Indonesian government regularly. Our current arms sales policy, codified in law last summer and included in S. 908, prohibits the sale or licensing for export of small or light arms and crowd control items until the Secretary has determined that there has been significant progress on human rights in Indonesia, including in East Timor. Current law also forbids funding of International Military Education and Training (IMET) for Indonesia. As you are aware, the Administration has proposed that this ban be rescinded, and there is language in the House authorization and appropriations bills that would permit funding for Expanded IMET (E-IMET) courses.

We understand that you or other Senators may be considering amendments to the Foreign Operations Appropriations Bill that would further restrict the types of defense items that can be sold or licensed for export to Indonesia. We also have heard that some Senators who oppose any IMET funding for Indonesia are considering working to have the complete ban on such funding retained.

You have proposed that you and others in the Senate will refrain from attaching language to the Senate's version of the bill restricting arms sales to Indonesia and banning IMET funding if the Administration will agree to abide by our current arms sales policy and accept only funding for E-IMET in FY 1996.

We will abide by our current arms sales policy and, though we would have preferred restoration of full IMET, will fund only Expanded-IMET during the coming fiscal year.

I hope this information will be useful to you. Please do not hesitate to contact us if we may be of further assistance.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary, Legislative Affairs.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, this will be the last vote tonight. Tomorrow morning, starting at 9:30 we will take up the MilCon conference report, to be followed by the D.C. appropriations bill, to be followed by the legislative appropriations conference report. Therefore, I would expect one, two, three, and maybe one amendment on the D.C. bill, so maybe four votes tomorrow. We should finish early. Then I will tell you what will happen next week. Hopefully, we will finish those bills and take the next week off. But we are not there yet.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. McCONNELL. Mr. President, I ask for the yeas and nays on the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered, and the clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 91, nays 9, as follows:

[Rollcall Vote No. 458 Leg.]

YEAS—91

Abraham	Feingold	Lieberman
Akaka	Feinstein	Lott
Ashcroft	Ford	Lugar
Baucus	Frist	Mack
Bennett	Glenn	McCain
Biden	Gorton	McConnell
Bond	Graham	Mikulski
Boxer	Gramm	Moseley-Braun
Bradley	Grams	Moynihan
Breaux	Grassley	Murkowski
Brown	Gregg	Murray
Bryan	Harkin	Nickles
Bumpers	Hatch	Packwood
Burns	Hatfield	Pell
Campbell	Heflin	Pressler
Chafee	Hutchison	Pryor
Coats	Inhofe	Reid
Cochran	Inouye	Robb
Cohen	Jeffords	Rockefeller
Conrad	Johnston	Roth
Coverdell	Kassebaum	Santorum
D'Amato	Kennedy	Sarbanes
Daschle	Kerrey	Shelby
DeWine	Kerry	Simon
Dodd	Kohl	Simpson
Dole	Kyl	Snowe
Domenici	Lautenberg	Specter
Dorgan	Leahy	
Exon	Levin	

Stevens	Thompson	Warner
Thomas	Thurmond	Wellstone

NAYS—9

Bingaman	Faircloth	Kempthorne
Byrd	Helms	Nunn
Craig	Hollings	Smith

So the bill (H.R. 1868), as amended, was passed.

Mr. McCONNELL. Mr. President, I want to take one moment to thank Tim Rieser and Luke Albee of Senator LEAHY's staff; and from the Appropriations Committee staff Jim Bond, and Juanita Rilling; and, particularly, Mr. President, I want to extend my great appreciation to my personal staff members, Billy Piper, and my long-time foreign policy adviser, Robin Cleveland, for their determined work in helping us to produce this bill.

I am extremely grateful to Billy, particularly to Robin, for good advice not only on this occasion but over the years.

Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, I thank the chairman for his gracious words, and I was also glad—I mentioned a number of these folks earlier—but I was also glad to have my chief of staff, Luke Albee, to join us also on this bill, as well as John P. Dowd, my legislative director.

Tim Rieser, I think all of us on our side will agree, was a dynamo. Tim handled just about everything for everybody.

I do appreciate all of them.

Mr. President, before we voted earlier, the Senator from Wisconsin was going to speak in relation to this matter on this bill. As a courtesy to the other 99 Senators, he withheld for the vote on the assurance that he could be heard. I hope that it might be possible for the Senator from Wisconsin to be heard.

I assume we will appoint conferees. I wonder if we could yield for that.

Mr. BENNETT. Mr. President, I move that the Senate insist on its amendments and request a conference with the House, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. SMITH) appointed Mr. McCONNELL, Mr. SPECTER, Mr. MACK, Mr. GRAMM, Mr. JEFFORDS, Mr. GREGG, Mr. SHELBY, Mr. HATFIELD, Mr. LEAHY, Mr. INOUYE, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mrs. MURRAY, and Mr. BYRD conferees on the part of the Senate.

MORNING BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak therein for up to 5 minutes each.

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

UNITED STATES/UNITED KINGDOM AVIATION RELATIONS

Mr. PRESSLER. Mr. President, I rise today to express my great disappointment that an agreement further liberalizing United States/United Kingdom aviation relations was not struck in London last week. Once again, I believe the British Government put the interests of one constituent above the best interests of British consumers.

The United Kingdom is one of our largest and most important trading partners. For many years that trading relationship has flourished. Open market principles have been the engine responsible for its success. Without a doubt, the free flow of commerce between our two nations has significantly benefited both economies. Perhaps the biggest winners of all have been consumers on both sides of the Atlantic who have reaped the benefits of enhanced consumer choice and competitive prices.

Regrettably, over the last few decades, the British have repeatedly rebuffed our attempts to extend our open trade relationship to include commercial aviation rights. In fact, the United States/United Kingdom bilateral aviation agreement is our most restrictive international aviation agreement. For good reason, that agreement, the so-called Bermuda II agreement signed in 1977, is widely regarded as being the high water mark for international aviation protectionism.

In London last week, the United States and United Kingdom had an historic opportunity to further liberalize our aviation relationship. Instead of taking a major step forward, United States/United Kingdom aviation relations seem to have taken a giant leap backward. I am very concerned that the failure to reach agreement last week has squandered hard earned momentum from the phase 1 deal in June and resurrected mistrust between the countries that has plagued negotiations for years.

Mr. President, despite these concerns, the United States and United Kingdom must press forward with phase 2 negotiations. We owe it to consumers on both sides of the Atlantic. For far too long the United States/United Kingdom aviation debate has focussed primarily on the interests of passenger and cargo carriers. I urge negotiators on both sides of the table to resume talks with a broader focus, one which considers the significant stake consumers have in enhanced air service and more competitive prices.

In a speech before the Aviation Club of Great Britain earlier this week, Gerald Greenwald, the Chairman and CEO of United Airlines, echoed this point. Mr. Greenwald called for a "renewed concentration on consumers" and quite accurately observed that the real losers under the restrictive Bermuda II agreement are consumers "in the United States and United Kingdom alike." He is absolutely correct.

I ask unanimous consent that Mr. Greenwald's speech before the Aviation Club of Great Britain to which I referred be inserted in the RECORD at the conclusion of my remarks.

Mr. President, I hope benefits to consumers are factored into the equation next time American and British negotiators meet in phase 2 talks. Perhaps then the need for liberalization of the United States/United Kingdom bilateral aviation agreement will be clearer to the British. Undoubtedly, the benefits of liberalization will be more readily apparent.

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

GERALD GREENWALD; AVIATION CLUB OF GREAT BRITAIN, CHAIRMAN AND CEO, UNITED AIRLINES

LONDON—September 19, 1995. Thanks, all of you for this warm welcome. Let me salute Allan Winn, Chairman of the Aviation Club of Great Britain, along with the many leading lights of Great Britain's aviation industry—public and private sector alike—whom I am honored to address today.

I promised Allan I would refrain from any "commercial" plugs for my company, although temptation, of course, is great. But Allan was kind enough to ask—as people often do when a visitor arrives—how was my trip?

I want to assure you: The flight over in United's new 777 was quite comfortable. I enjoyed the full 64 inches of leg room, the five star first-class service—and what must be the most courteous flight attendant and pilot crew in the business.

So Allan—thanks for asking.

I appreciate the opportunity to address you today. I see this as a chance to advance a dialogue that must take place if any of us, on either side of the Atlantic, are to prosper in our new environment. This industry has to look ahead—this industry has to change because its growth—needs to outpace that of the world economy.

The fact is, at no time since the Second World War has the airline industry been presented with market forces more conducive to profitable growth. The demand for thinking for the future is almost overwhelming. And that is what I want to talk about today because, as an industry, we are not meeting the challenge, not doing justice to our customers.

But I didn't come here to talk to you about what everybody else talks about—the way everyone in our industry is mesmerized by the growth in air traffic. That kind of looking inward—that fixation on ourselves—is a kind of corporate indulgence we can't afford: Short-term gain for long-term grief.

I came here to make the case for change in focus—for a renewed concentration on the customer.

We're slow to recognize what the customer wants from the travel experience.

Back on my side of the ocean, the travel agents are fighting with the airlines... the airlines are fighting with one another... and meanwhile, the customer stands alone at the counter.

It's as if we grow so accustomed to our place in the market—to our sheer size and staying power—that we forget who has the power to bring us down.

I'm not talking about a competitor...or another company...or some amorphous notion such as "competition"...

I'm talking about the consumer. The most powerful economic factor in the world.

It's a concept we grasp quite easily in political dimension. But the freedom of choice at the ballot box has its parallel in the economy as well: In every consumer's checkbook choice—the freedom to take his or her business elsewhere.

Now, provided we put the customer first—the fundamentals are in place for a very positive forecast. Consider the state of our industry.

The fundamentals are there for a very positive forecast. Consider the state of our industry.

In the beginning of this decade, in 1990, worldwide airline revenues totaled $211 billion.

Estimates now predict industry revenues—both business and leisure travel—will reach $350 billion by the year 2000.

To put that in perspective, consider the world's total GDP will rise 50 percent between 1990 and the year 2000. Over that same timeframe, airline revenues will rise an even faster 60 percent.

All told, it's an impressive record. A century that began with mankind's first powered flight—a span of 120 feet lasting 12 seconds—ends with the movement of 1.2 billion passengers on 17 million flights across 24 time zones at every hour of the day and night.

So if all of that's true—and it is—why do so many of us want to grimace rather than grin?

Because we know the rest of the picture. We know that revenues, however great, are not profits—and growth, no matter how rapid, is not necessarily a reflection of success or superior service.

Granted, this industry has grown. But too many airlines have lost too much money for their shareholders and the taxpayers who support them. Too many customers regard what they get from us with a combustible combination of cynicism and suspicion.

Some of our passengers take us for granted. Other passengers think every time they buy a ticket—as we say in America, we're taking them for a ride.

It's hard in that kind of atmosphere to build the bonds of trust—to establish the loyalty that keeps customers coming back. That's the central challenge in a service industry such as ours—a challenge United is working to meet as the world's largest employee-owned company.

And we are a new company—a new United—since Steve Wolf stood before you just over a year ago. What we're about isn't just a phrase—it's a deep-felt philosophy: A solid sense that of all the measures management can take to improve productivity none has more up-side potential than empowering our workforce. And what better way than turning employees into owners? As Peter Drucker has observed, the only sustainable corporate advantage in the new, open, global marketplace—is people.

When we entered into our employee-ownership (ESOP) agreement, we were banking on more than a structural shift in our organization—we were counting on a change in corporate culture to take us to a more competitive level. And in a service industry, employee satisfaction shows—in the finished product—in the face we present every day to our passengers.

And we're seeing that change in culture translate into strong results. You're used to hearing about Returns on Investment—well, our ESOP's delivering what I call Return on Ownership:

Fewer sick days: Down 21 percent last month—in our year-over-year comparison. And increased "dependability" means a savings of about $52 million.

Fewer grievances: Down 75 percent year-over-year. And again—that's an opportunity to resolve differences without costly and time consuming procedures—energy that could be spent on serving our customers.

Overall, it's part of the positive numbers United's putting on the board:

Revenue is up $729 million—6.7 percent over last year.

Operating earnings are up—our operating margin is up. So are net earnings and net margin. And unit revenue is outpacing unit cost.

Let me give you just one market example. Thanks in part to our new Shuttle by United, the Los Angeles region is solidly profitable.

Our departures are up 73 percent in the last 4 years—and we're serving more major domestic and international destinations from L.A. than any other carrier.

All of the changes we've made within our company are moving us in the right direction. But there's still the matter of the environment around us—the system in which we—and all our competitors—have to operate.

And that is where external factors dictate the difficulties we face—in the form of a system that stops us from serving our customers as well as we could. And that system is my subject today.

What do I mean? Let me ask: How many of us would maintain a fleet of DC-7s or Lockheed Constellations—how many of us would want to sell passengers on the virtues of an 15 hour crossing of the Atlantic, or only a handful of domestic flights to our country's largest cities?

In other words, how well do we think we'd fare with a 1950's fleet in our 1990's world?

Yet we're struggling along with an equally antiquated structure governing our flights/our routes/and our schedules. Simply put: The structure of our industry is not adapting to the needs of the new customers, new nations, and new regions we serve.

If this industry is to reach its potential—if we are to continue not simply to expand but to excel—we have to change. We have to raise our standards—raise our own expectations to a level above and beyond that of the customers and the countries who rely on us. We have to stop talking about today's weather and create a new climate.

Because in the end, there is only one route to customer service—and that is competition.

Nothing could be further from that ideal than our present World War II vintage system of bilateral regulation. Created in an era when national frontiers were also market boundaries—when economies were isolated entities, self contained islands of commerce—Conceived at a time when Churchill roamed Number 10 Downing Street, and both the Democrats and Republicans were competing to see who "liked Ike."

Our bilateral system was a Frankenstein, stitched together when colonialism was fading, nationalism was coming to the fore—and a protectionist system of managed trade seemed the best we could muster.

And that bad beginning got steadily worse—reaching bottom with the so-called Bermuda II agreement in 1977.

It's a wonder the system served us as well as it did, as long as it did.

Today—we must all agree—the system is slowly strangling us.

What we have now is a kind of controlled chaos—an industry impasse in which no one is comfortable with the system as it is, but no one can make the move to the more competitive system we need.

Take United's position as a case in point, squeezed by the straight-jacket we call Bermuda II. Geographically, the U.K. is key to United: A gateway to the entire continent of Europe—and beyond, a critical crossroad in the global aviation market.

While we are one of only two U.S. carriers allowed to serve Heathrow, if we look at United's major hubs in the U.S.—every one carries tight restrictions on capacity to Heathrow:

At Washington, DC, we have been running load factors to Heathrow of 92 percent for the last three months—and yet we were just turned down for two extra frequencies a week.

At Chicago, our largest hub, after a four-year struggle, last week we finally gained access to Heathrow—and yet it's limited to seven weekly flights in a 767. Let me emphasize—this is from the world's busiest airport to the world's largest international destination. But even that is better than Denver, our second largest hub—where we can provide no service at all to Heathrow. Of all the major country-to-country agreements to which the U.S. is party, none is more restrictive than Bermuda II.

But as bad as I believe Bermuda II is—this much I know: The real losers are the consumes. In this, Bermuda II claims its casualties on both sides of the Atlantic—hurting consumers with higher prices and poorer service in the U.S. and the U.K. alike.

So what's the solution? Certainly not the 1950's thinking that argues that the way to build your carrier's market share is to handicap the competitiveness of the others.

Market shares in aviation should be driven by customer choices—just as they are in most areas of trade today. I submit there is only one answer for the 1990s—working together for change—working together to open the skies of Europe, America, Asia and every point in between—to competition.

Now, I want to be clear: Just as the current bilateral constraints increasingly serve no one—competition, too, has its costs. Not all airlines will succeed—not all will even survive. But the alternative—the price of sticking with the status quo—is truly like two scorpions in a bottle. Neither will come out alive.

Why tinker at the margins managing trade? Why not simply throw open the doors—and let the competition begin?

Anything less than full competition really doesn't do either of us a favor—because in an industry as global as ours, we really can't hide from competition anyway.

What do we need? Liberalization—as much as possible, as soon as possible. A beginning today that we can build on tomorrow.

As our target, we ought to take an example from outside our industry: From the world of telecommunications. When you pick up a telephone and dial an international number or send a fax to an international destination—you don't want to negotiate with each of the different companies that carries the signal or routes the call.

It doesn't matter to you whether it crosses the ocean floor by cable or skips over by satellite—what you care about is getting through to the other end. Yet our current system of air travel does just that to our customers—confronting them with a bewildering array of barriers and bottlenecks between them and their destination.

To their credit, both the U.S. and Britain have recently taken significant steps toward the liberalization of air transportation between our two countries. The differences seem to be over the pace of that movement, not the ultimate objective.

And, as I have pointed out to the U.S. government, in recent months—to give credit where credit is due—it has been the British side that maintained the momentum toward liberalization, while the U.S. (and United) was all but immobilized by our own internal squabbles.

To be candid, our struggle to launch direct Chicago-London service last week was impeded as much by vested interests in the U.S. as in the U.K.

Now of course, our small steps forward have been accompanied by two steps back—away from the negotiating table. We must all hope our two governments get back to the table—and resume the Phase II talks that are the only path to progress and to open skies.

There is a mystery I cannot comprehend: And that is how the U.S. and the U.K.—two countries that literally live by international trade—and with the possible exception of Japan, endure the rockiest bilateral relationship in the aviation industry.

The plain fact is—liberalization can't be limited. On the other side of the world—as across the Atlantic—the principle of consumer choice must prevail. The principle I hope will soon be put in practice for our two countries should apply equally to the opening of new routes in Asia.

Few tasks will be tougher. Japan's Ministry of Transportation, for example, seems fixated on a protectionist path—marching in one direction while the rest of the world moves in another.

What Japan seems to want in 1996 is a replay of the mistake the U.S. and the U.K. made in 1976 when we started down the path of Bermuda II. And as a recent editorial in the Far Eastern Economic Review noted, you can't open an issue of the Orient Airlines Association magazine without finding a list of reasons why competition is bad.

Much of the air service industry there remains locked in a mercantilist mindset. And that's unfortunate because Asia and Asian consumers are not exempt from the adverse consequences of attempts to limit air traffic.

There's no free lunch: When Japan's Ministry of Transportation imposes regulations to protect their carriers—consumers pay the price. It's an iron law of economics: One company's windfall is the consumer's downfall.

Competition is consumer friendly. It's a notion we haven't quite grasped yet. Take the recent positive steps toward opening more Japan destinations to Federal Express.

In the industry, people are asking—Who won? Japan or the U.S.? I'll tell you who won. The consumers—of both countries!

As for United, we're ready right now to take interim steps toward the broad liberalization that will ultimately serve all of us best. In Japan, as we did in Germany, we are prepared to accept a period of constrained growth—to give JAL breathing space. But our ultimate aim at the end of that period must be—once again, as it was in Germany—a market driven regime.

In the end, freeing up competition—evolving an open skies approach—is in every country's interest. Liberalization and internationalization go hand in hand. And they are essential in today's economy.

And that really is my message today.

Gone are the days when we could chart a future built on cozy arrangements and backroom bilateral deals. The one covenant that counts—is the promise we make to the people we serve.

Thank you.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Armed Services.

(The nomination received today is printed at the end of the Senate proceedings.)

REPORT ENTITLED "HIGHWAY SAFETY: 1994"—MESSAGE FROM THE PRESIDENT—PM 83

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

To the Congress of the United States:

I transmit herewith the 1994 calendar year reports as prepared by the Department of Transportation on activities under the Highway Safety Act, the National Traffic and Motor Vehicle Safety Act of 1966, and the Motor Vehicle Information and Cost Savings Act of 1972, as amended.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 21, 1995.*

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 2:13 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker signed the following enrolled bills:

S. 464. An Act to make the reporting deadlines for studies conducted in Federal court demonstration districts consistent with the deadlines for pilot districts, and for other purposes.

S. 532. An Act to clarify the rules governing venue, and for other purposes.

At 5:45 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence with the Senate:

H.R. 1617. An Act to consolidate and reform workforce development and literacy programs, and for other purposes.

The message also announced that the House insists upon its amendments to the bill (S. 440) to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. SHUSTER, Mr. CLINGER, Mr. PETRI, Mr. EMERSON, Mr. LAHOOD, Mr. MINETA, Mr. OBERSTAR, and Mr. RAHALL as the managers of the conference on the part of the House.

The message further announced that the House disagreed to the amendment of the Senate to the bill (H.R. 1530) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1996, and for other purposes and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Committee on National Security, for consideration of the House bill (except for sections 801–803, 811–814, 826, 828–832, 834–838, 842–843, 850–896) and the Senate amendment (except for sections 801–803, 815–818, 2851–2857, and 4001–4801) and modifications committed to conference: Mr. SPENCE, Mr. STUMP, Mr. HUNTER, Mr. KASICH, Mr. BATEMAN, Mr. HANSEN, Mr. WELDON of Pennsylvania, Mr. DORNAN, Mr. HEFLEY, Mr. SAXTON, Mr. CUNNINGHAM, Mr. BUYER, Mr. TORKILDSEN, Mrs. FOWLER, Mr. MCHUGH, Mr. WATTS of Oklahoma, Mr. JONES, Mr. LONGLEY, Mr. DELLUMS, Mr. MONTGOMERY, Mrs. SCHROEDER, Mr. SKELTON, Mr. SISISKY, Mr. SPRATT, Mr. ORTIZ, Mr. PICKETT, Mr. EVANS, Mr. TANNER, Mr. BROWDER, Mr. TAYLOR of Mississippi, Mr. ABERCROMBIE, Mr. EDWARDS, and Mr. PETERSON of Florida.

From the Committee on National Security, for consideration of sections 801–803, 811–814, 826, 828–832, 834–838, 842–843, and 850–896 of the House bill and sections 801–803 and 815–818 of the Senate amendment, and modifications committed to conference: Mr. SPENCE, Mr. STUMP, Mr. WATTS of Oklahoma, Mr. DELLUMS, and Mr. SPRATT.

From the Committee on National Security, for consideration of sections 2851–2857 of the Senate amendment, and modifications committed to conference: Mr. SPENCE, Mr. HEFLEY, Mr. JONES, Mr. ORTIZ, and Mr. MONTGOMERY.

From the Committee on National Security, for consideration of sections 4001–4801 of the Senate amendment, and modifications committed to conference: Mr. SPENCE, Mr. STUMP, Mr. TORKILDSEN, Mr. WATTS of Oklahoma, Mr. LONGLEY, Mr. DELLUMS, Mr. EDWARDS, and Mr. PETERSON of Florida.

As additional conferees from the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 2 of rule XLVIII: Mr. COMBEST, Mr. YOUNG of Florida, and Mr. DICKS.

As additional conferees from the Committee on Agriculture, for consideration of sections 2851–2857 of the Senate amendment, and modifications committed to conference: Mr. ROBERTS, Mr. ALLARD, Mr. LAHOOD, Mr. DE LA GARZA, and Mr. JOHNSON of South Dakota.

As additional conferees from the Committee on Commerce, for consideration of sections 601 and 3402–3404 of the House bill and sections 323, 601, 705, 734, 2824, 2851–2857, 3106–3107, 3166, and 3301–3302 of the Senate amendment, and modifications committed to conference: Mr. BLILEY, Mr. SCHAEFER, and Mr. DINGELL: *Provided*, That Mr. OXLEY is appointed in lieu of Mr. SCHAEFER for consideration of sections 323, 2824, and 3107 of the Senate amendment: *Provided further*, that Mr. BILIRAKIS is appointed in lieu of Mr. SCHAEFER for consideration of section 601 of the House bill and sections 601, 705, and 734 of the Senate amendment: *Provided further*, That Mr. HASTERT is appointed in lieu of Mr. SCHAEFER for consideration of sections 2851–2857 of the Senate amendment.

As additional conferees from the Committee on Economic and Educational Opportunities, for consideration of section 394 of the House bill, and sections 387 and 2813 of the Senate amendment, and modifications committed to conference: Mr. GOODLING, Mr. RIGGS, and Mr. CLAY.

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 332–333, and 338 of the House bill, and sections 333 and 336–343 of the Senate amendment, and modifications committed to conference: Mr. CLINGER, Mr. MICA, Mr. BASS, Mrs. COLLINS of Illinois, and Mrs. MALONEY.

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 801–803, 811–814, 826, 828–832, 834–840, and 842–843 of the House bill, and sections 801–803 and 815–818 of the Senate amendment, and modifications committed to conference: Mr. CLINGER, Mr. HORN, Mr. DAVIS, Mrs. COLLINS of Illinois, and Mrs. MALONEY.

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 850–896 of the House bill, and modifications committed to conference: Mr. CLINGER, Mr. DAVIS, and Mrs. COLLINS of Illinois.

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 4001–4801 of the Senate amendment, and modifications committed to conference: Mr. CLINGER, Mr. SCHIFF, Mr. ZELIFF, Mr. HORN, Mr. DAVIS, Mrs. COLLINS of Illinois, Mrs. MALONEY, and Mr. SPRATT.

As additional conferees from the Committee on House Oversight, for consideration of section 1077 of the Senate amendment, and modifications committed to conference: Mr. THOMAS, Mr. ROBERTS, and Mr. HOYER.

As additional conferees from the Committee on International Relations, for consideration of sections 231–232, 235, 237–238, 242, 244, 1101–1108, 1201, 1213, 1221–1230, and 3131 of the House bill and sections 231–233, 237–238, 240–241, 1012, 1041–1044, 1051–1064, and 1099 of the Senate amendment, and modifications committed to conference: Mr. GILMAN, Mr. GOODLING, Mr. ROTH, Mr. BEREUTER, Mr. SMITH of New Jersey, Mr. HAMILTON, Mr. GEJDENSON, and Mr. LANTOS.

As additional conferees from the Committee on the Judiciary, for consideration of sections 831 (only as it adds a new section 27(d) to the Office of Federal Procurement Policy Act), and 850–896, of the House bill and sections 515, 1075, and 1098 of the Senate amendment, and modifications committed to conference: Mr. HYDE, Mr. GEKAS, and Mr. CONYERS.

As additional conferees from the Committee on Rules, for consideration of section 3301 of the Senate amendment, and modifications committed to conference: Mr. SOLOMON, Mr. DREIER, and Mr. BEILENSON.

As additional conferees from the Committee on Science, for consideration of sections 203, 211, and 214 of the House bill and sections 220–221, 3137, 4122(a)(3), 4161, 4605, and 4607 of the Senate amendment, and modifications committed to conference: Mr. WALKER, Mr. SENSENBRENNER, and Mr. BROWN of California.

As additional conferees from the Committee on Transportation and Infrastructure, for consideration of sections 223, 322, 2824, and 2851–2857 of the Senate amendment, and modifications committed to conference: Mr. SHUSTER, Mr. WELLER, and Mr. OBERSTAR.

As additional conferees from the Committee on Veteran's Affairs, for consideration of section 2806 of the House bill and sections 644–645 and 4604 of the Senate amendment, and modifications committed to conference: Mr. SMITH of New Jersey, Mr. HUTCHINSON, and Mr. KENNEDY of Massachusetts.

As additional conferees from the Committee on Ways and Means, for consideration of sections 705, 734, and 1021 of the Senate amendment, and modifications committed to conference: Mr. ARCHER, Mr. THOMAS, and Mr. STARK.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 1617. An Act to consolidate and reform workforce development and literacy programs, and for other purposes, to the Committee on Labor and Human Resources.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1456. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, notice of a response to the Office of Management and Budget; to the Committee on Commerce, Science, and Transportation.

EC–1457. A communication from the Secretary of Transportation, transmitting, pursuant to law, notice of action relative to the Eldorado International Airport, Bogota, Columbia; to the Committee on Commerce, Science, and Transportation.

EC–1458. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the report of the budget estimate for fiscal year 1997; to the Committee on Commerce, Science, and Transportation.

EC–1459. A communication from the Deputy Associate Director for Compliance, Minerals Management Service, Royalty Management Program, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–1460. A communication from the Deputy Associate Director for Compliance, Minerals Management Service, Royalty Management Program, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–294. A joint resolution adopted by the Military Chaplains Association relative to military retired pay; to the Committee on Armed Services.

POM–295. A resolution adopted by the Military Chaplains Association relative to the retention of military commissaries; to the Committee on Armed Services.

POM–296. A resolution adopted by the Military Chaplains Association relative to cost-of-living adjustments; to the Committee on Armed Services.

POM–297. A resolution adopted by the Military Chaplains Association relative to the Uniformed Services University of the Health Services; to the Committee on Armed Services.

POM–298. A resolution adopted by the House of the Legislature of the State of Texas; to the Committee on Armed Services.

"RESOLUTION NO. 38

"Whereas, Americans recognize and appreciate the enormous sacrifices made by United States military personnel who served courageously in the Vietnam War and the conflict in Southeast Asia, some of whom are still classified as missing in action; and

"Whereas, while the status of most of the American soldiers who lost their lives or were injured during this long military engagement is certain, the fate of more than

2,000 military personnel remains unknown decades after the United States' final withdrawal from Vietnam; and

"Whereas, the unresolved status of those brave individuals is, understandably, a source of great concern for their families, their friends, and their fellow citizens and represents a chapter in our nation's history that cannot be satisfactorily concluded until their whereabouts are known; and

"Whereas, recognizing the important of this vital obligation to American military personnel and their families, the United States Congress has sought to locate these individuals in the past and should continue to take all necessary steps to fulfill this important duty in the future: Now, therefore, be it

"*Resolved*, That the House of Representatives of the 74th Texas Legislative hereby request the Congress of the United States to continue its efforts to determine the location and status of all United States military personnel still missing in Southeast Asia; and, be it further

"*Resolved*, That official copies of this resolution be prepared for the President of the United States, the Speaker of the House of Representatives of the United States Congress, the President of the Senate of the United States Congress, and all members of the Texas delegation to the Congress."

POM-299. A joint resolution adopted by the Legislature of the State of California Uniformed Services; to the Committee on Armed Services.

"JOINT RESOLUTION NO. 27

"Whereas, California is proud to be the home of millions of active and retired military personnel; and

"Whereas, these personnel and their families have earned the right to have access to quality health care because of distinguished service to our state and country; and

"Whereas, this quality health care is to be delivered through the Civilian Health and Medical Program of the Uniform Services (CHAMPUS) program; and

"Whereas, these personnel and their families have already been seriously inconvenienced by the actions of the federal government in closing many of the military bases where they customarily received their medical care, forcing them to travel great distances to receive medical care from different providers; and

"Whereas, these personnel and their families were again inconvenienced by the action of the federal government in changing the administration of the CHAMPUS program last year. These changes required some of these military and veteran families to change medical providers, and to travel greater distances to receive medical care; and

"Whereas, the Federal government is contemplating making even further major changes to the CHAMPUS program. These changes will cause dislocation in the provider networks that will require that military families endure a stressful transition to new doctors and providers; and

"Whereas, many of these changes will result in fewer medical providers available to families which will adversely affect medical quality: Now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the United States Department of Defense to make every effort to ensure that the commitment made to provide medical benefits to our military and veteran families through the CHAMPUS program be honored, and that when changes are contemplated for the program that priority be given to protecting the benefits of military and veteran families by ensuring that quality medical care is available at convenient locations for these families, and in doing this, that the Department of Defense take into consideration the impact and the dislocation caused to military and veteran families by previous changes to the program and that any future changes be designed to minimize further dislocation and to enhance the CHAMPUS program rather than to reduce the benefits already earned by our military; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the United States House of Representatives, to the Secretary of Defense, to the Director of the Office of Management and Budget, and to each Senator and Representative from California in the Congress of the United States."

POM-300. A joint resolution adopted by the Legislature of the State of California; to the Committee on Armed Services.

"JOINT RESOLUTION NO. 21

"Whereas, McClellan Air Force Base, located in the City of Sacramento, California, is one of the five major Air Force logistic command centers in the United States; and

"Whereas, this base has been a major aircraft repair facility for almost 60 years; and

"Whereas, McClellan is one of the largest United States Air Force bases as well as the largest employer in northern California; and

"Whereas, McClellan is the home facility for other critical and essential military organizations, including the Coast Guard Rescue Service, a Reserve Tanker Wing, and a National Guard Tanker Unit; and

"Whereas, the base plays a key function in supporting the responsibility of the entire Air Force and has been a major maintenance and support element in World War II, the Korean Conflict, the Vietnam Conflict, the Gulf Conflicts, as well as fulfilling numerous other tactical maintenance requirements; and

"Whereas, McClellan has been a part of the State of California prior to the buildup of our armed forces during World War II and its capability could not be duplicated today without a major expenditure of funds; and

"Whereas, McClellan Air Force Base is geographically and strategically located on the West Coast and serves as a gateway to our forces in the Pacific Basin; and

"Whereas, McClellan has developed extremely advanced technology not only for aircraft maintenance but for medical research as well as composite research that is world renowned; and

"Whereas, Potential loss both to the personnel at McClellan as well as the State of California that would result from closure of the base is inestimable in terms of technology, health and welfare, jobs, and community spirit. Now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the Defense Base Closure and Realignment Commission, the President and Congress of the United States to consider the strategic importance of McClellan Air Force Base and to oppose proposals to close this important military installation; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the Chairman of the Defense Base Closure and Realignment Commission, to the President and Vice President of the United States, and to each Senator and Representative from California in the Congress of the United States."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

*John T. Conway, of New York, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 1999.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. THURMOND. Mr. President, for the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the RECORDS of July 20, July 24, August 3, August 10, and September 5, 1995, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of July 20, 24, August 3, 10, and September 5, 1995 at the end of the Senate proceedings.)

*In the Navy there are 2 promotions to the grade of rear admiral (list begins with Ralph Melvin Mitchell, Jr.) (Reference No. 97).

*In the Naval Reserve there are 10 promotions to the grade of rear admiral (lower half) (list begins with Kenneth Peter Barausky) (Reference No. 165).

*In the Navy there are 2 promotions to the grade of rear admiral (list begins with Barton D. Strong) (Reference No. 249).

*Rear Adm. (lower half) S. Todd Fisher, USN to be rear admiral (Reference No. 526).

*Col. William J. Dendinger, USAF to be brigadier general (Reference No. 531).

**In the Army there are 2 promotions to the grade of lieutenant colonel and below (list begins with John D. Pitcher) (Reference No. 534).

**In the Navy there are 4 appointments to the grade of ensign (list begins with Kyujin J. Choi) (Reference No. 535).

**In the Air Force Reserve there are 29 promotions to the grade of lieutenant colonel (list begins with Von S. Bashay) (Reference No. 538).

**In the Navy there are 11 appointments to the grade of ensign (list begins with Scott A. Avery) (Reference No. 539).

**In the Marine Corps there are 7 appointments to the grade of second lieutenant (list

begins with Bradley J. Harms) (Reference No. 540).

**In the Marine Corps Reserve there are 35 promotions to the grade of colonel (list begins with Charles H. Allen) (Reference No. 541).

**In the Naval Reserve there are 159 promotions to the grade of captain (list begins with Glenn M. Amundson) (Reference No. 542).

**In the Naval Reserve there are 411 promotions to the grade of commander (list begins with Richard J. Alioto) (Reference No. 543).

**In the Marine Corps Reserve there are 166 promotions to the grade of lieutenant colonel (list begins with Douglas E. Akers) (Reference No. 544).

*Maj. Gen. Jefferson D. Howell, Jr., USMC to be lieutenant general (Reference No. 561).

**In the Army Reserve there are 9 promotions to the grade of colonel and below (list begins with Gerhard Braun) (Reference No. 562).

**In the Army Reserve there are 36 promotions to the grade of colonel and below (list begins with John A. Belzer) (Reference No. 563).

**In the Army Reserve there are 23 promotions to the grade of colonel and below (list begins with Robert Bellhouse) (Reference No. 564).

**In the Army Reserve there are 34 promotions to the grade of colonel and below (list begins with Terry C. Amos) (Reference No. 565).

**In the Naval Reserve there are 777 promotions to the grade of commander (list begins with Andrew W. Acevedo) (Reference No. 566).

**In the Army there are 410 promotions to the grade of major (list begins with Jeffrey S. Almony) (Reference No. 567).

*Adm. William O. Studeman, USN to be placed on the retired list in the grade of admiral (Reference No. 568).

*Vice Adm. Norman W. Ray, USN to be placed on the retired list in the grade of vice admiral (Reference No. 569).

**In the Army Reserve there are 35 promotions to the grade of colonel and below (list begins with David G. Barton) (Reference No. 580).

**In the Air Force Reserve there are 9 promotions to the grade of lieutenant colonel (list begins with Michael D. Bouwman) (Reference No. 606).

**In the Air Force Reserve there are 20 promotions to the grade of lieutenant colonel (list begins with Gary L. Ebben) (Reference No. 607).

**Col. Michael L. Jones, USA for appointment as Director of Admissions at the United States Military Academy (Reference No. 608).

**In the Army Reserve there are 44 promotions to the grade of colonel and below (list begins with Gerard H. Barloco) (Reference No. 609).

**In the Navy there are 5 appointments to the grade of ensign (list begins with Jeremy L. Hilton) (Reference No. 610).

**In the Air Force Reserve there are 21 appointments to the grade of colonel and below (list begins with Maria A. Berg) (Reference No. 619).

**In the Army there are 3 promotions to the grade of lieutenant colonel and below (list begins with Lillian A. Foerster) (Reference No. 620).

**In the Navy and Naval Reserve there are 10 appointments to the grade of commander and below (list begins with Gary E. Sharp) (Reference No. 621).

**In the Air Force there are 140 appointments to the grade of second lieutenant (list begins with Mark B. Allen) (Reference No. 622).

*Rear Adm. (lower half) David J. Nash, USN to be rear admiral (Reference No. 627).

Total: 2,421.

The following-named officer for appointment to the grade of lieutenant general in the U.S. Marine Corps while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

Maj. Gen. Jefferson D. Howell, Jr., 458-56-9607.

The following-named officer for promotion in the Navy of the United States to the grade indicated under title 10, United States Code, section 624:

CIVIL ENGINEER CORPS

To be rear admiral

Rear Adm. (LH) David J. Nash, 272-40-6679, U.S. Navy.

The following-named officer to be placed on the retired list of the U.S. Navy in the grade indicated under section 1370 of title 10, United States Code:

To be vice admiral

Vice Adm. Norman W. Ray, 334-34-5481.

The following-named officer to be placed on the retired list of the U.S. Navy in the grade indicated under section 1370 of title 10, United States Code:

To be admiral

Adm. William O. Studeman, 267-58-1625.

The following-named officer for promotion in the Navy of the United States to the grade indicated under title 10, United States Code, section 624:

SENIOR HEALTH CARE EXECUTIVE

To be rear admiral

Rear Adm. (LH) S. Todd Fisher, 127-32-2160, U.S. Navy.

To following-named rear admirals (lower half) in the restricted line of the U.S. Navy for promotion to the permanent grade of rear admiral, pursuant to title 10, United States Code, section 624, subject to qualifications therefore as provided by law:

AREOSPACE ENGINEERING DUTY OFFICER

To be rear admiral

Rear Adm. (L) Barton D. Strong, 519-46-4260, U.S. Navy.

SPECIAL DUTY OFFICER (CRYPTOLOGY)

To be rear Admiral

Rear Adm. (L) Thomas F. Stevens, 568-52-0721, U.S. Navy.

Nominate the following-named rear admirals (Lower Half) in the Supply Corps of the U.S. Navy for promotion to the permanent grade of rear admiral, pursuant to title 10, United States Code, section 624, subject to qualifications therefore as provided by law:

SUPPLY CORPS

To be rear admiral

RADM (LH) Ralph Melv Mitchell, Jr., 146-36-9219, U.S. Navy.

RADM (LH) Leonard Vincent, 441-42-5018, U.S. Navy.

The following named captains of the Reserve of the U.S. Navy for permanent promotion to the grade of rear admiral (lower half) in the line and staff corps, as indicated, pursuant to the provision of title 10, United States Code, section 5912:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

Capt. Kenneth Peter Barausky, 108-34-3102, U.S. Naval Reserve.

Capt. Martin Edward Janczak, 486-48-9028, U.S. Naval Reserve.

Capt. Pierce Jarvis Johnson, 508-56-1625, U.S. Naval Reserve.

Capt. Michael Robert Scott, 318-36-2697, U.S. Naval Reserve.

INTELLIGENCE OFFICER

To be real admiral (lower half)

Capt. Larry Lafayette Poe, 238-68-6491, U.S. Naval Reserve.

PUBLIC AFFAIRS OFFICER

To be rear admiral (lower half)

Capt. Richard Harry Wells, 461-66-6537, U.S. Naval Reserve.

MEDICAL CORPS OFFICER

To be rear admiral (lower half)

Capt. John Bert Cotton, 429-66-2052, U.S. Naval Reserve.

Capt. John Conant Weed, Jr., 434-60-2952, U.S. Naval Reserve.

SUPPLY CORPS

To be rear admiral (lower half)

Capt. Fred Joseph Schuber III, 439-68-5945, U.S. Naval Reserve.

CHAPLAIN CORPS

To be rear admiral (lower half)

Capt. Peter Hess Beckwith, 297-32-5003, U.S. Naval Reserve.

The following-named officer for promotion in the Regular Air Force of the United States to the grade of brigadier general under title 10, United States Code, section 624:

To be brigadier general

Col. William J. Dendinger, 508-46-3556, United States Air Force.

(The above nominations were reported with the recommendations that they be confirmed.)

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. LEAHY (for himself and Mr. HARKIN):

S. 1265. A bill to authorize the Secretary of Agriculture to make temporary assistance available to support community food security projects designed to meet the food needs of low-income people, increase the self-reliance of communities in providing for their own food needs, and promote comprehensive, inclusive, and future-oriented solutions to local food, farm, and nutrition problems, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself and Mr. HARKIN):

S. 1265. A bill to authorize the Secretary of Agriculture to make temporary assistance available to support community food security projects designed to meet the food needs of low-income people, increase the self-reliance of communities in providing for their own food needs, and promote comprehensive, inclusive, and future-oriented solutions to local food, farm, and nutrition problems, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE COMMUNITY FOOD SECURITY ACT OF 1995

Mr. LEAHY. Mr. President, today I am introducing a bill with Senator HARKIN which is designed to help communities alleviate hunger at the local level. The Community Food Security Act of 1995 will provide one-time grants to local organizations which are working to both meet the immediate food needs of low-income people while seeking future-oriented solutions to local food, farm and nutrition problems.

This is a good bill. It enjoyed strong bipartisan support in the House.

The Community Food Security Act will provide Federal support to local projects such as farmers market nutrition programs, food policy councils, community gardens and urban farms all of which promote good nutrition while helping family farms. At a time when many people are advocating that we give more power to the States—this bill goes one step further. The Community Food Security Act will give money directly to the private organizations who know where it is most needed.

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:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Food Security Act of 1995".

SEC. 2. ASSISTANCE FOR COMMUNITY FOOD SECURITY PROJECTS.

(a) DEFINITIONS.—In this section:

(1) COMMUNITY FOOD SECURITY PROJECT.—The term "community food security project" means a community-based project that—

(A) is designed to—

(i) meet the food needs of low-income people;

(ii) increase the self-reliance of communities in providing for their own food needs; and

(iii) promote comprehensive, inclusive, and future-oriented solutions to local food, farm, and nutrition problems; and

(B) requires a one-time infusion of Federal assistance to become self-sustaining.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means an entity that has experience in the area of—

(A) community food work, including the development of new markets in low-income communities for agricultural producers, particularly small- and medium-sized farms; or

(B) job training and business development activities for food-related businesses in low-income communities.

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(b) AUTHORIZATION.—The Secretary may make grants to assist eligible entities in establishing and carrying out community food security projects.

(c) APPLICATIONS.—An eligible entity may submit to the Secretary an application, in such form and containing such information as the Secretary may require, that—

(1) demonstrates competency in implementing a community food security project;

(2) demonstrates fiscal accountability;

(3) contains an agreement that the entity will collect data and prepare reports and other documentation, as required by the Secretary; and

(4) demonstrates that the entity is willing to participate in a continuing assessment of regional food security and to share information with researchers, practitioners, and other interested parties.

(d) PREFERENCE FOR CERTAIN PROJECTS.—In selecting community food security projects to be supported by grants under subsection (b), the Secretary shall give preference to projects designed—

(1) to develop linkages between 2 or more sectors of the food system;

(2) to support the development of entrepreneurial solutions to local food problems;

(3) to develop innovative linkages between the for-profit and nonprofit food sectors; or

(4) to encourage long-term planning activities and multisystem, interagency approaches.

(e) MATCHING FUNDS.—

(1) REQUIREMENTS.—The Federal share of the cost of establishing or carrying out a community food security project that receives assistance under subsection (b) may not exceed 50 percent of the cost during the term of the grant.

(2) CALCULATION.—The non-Federal share of the cost of carrying out a community food security project may be provided through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services from private, State, or local sources.

(f) SINGLE GRANT.—A community food security project may be supported by only a single grant under subsection (b), for a term of not to exceed 3 years.

(g) TECHNICAL ASSISTANCE AND RELATED INFORMATION.—The Secretary shall—

(1) provide technical assistance regarding community food security projects, processes, and development to entities seeking such assistance;

(2) provide for the sharing of information about community food security projects and issues among and between government agencies, private for-profit and nonprofit groups, and the public through publications, conferences, and other appropriate form; and

(3) participate in assessments of regional food security and share information with researchers, practitioners, and other interested parties.

(h) EVALUATION AND REPORT.—The Secretary shall—

(1) provide for the evaluation of community food security projects supported using funds under this section; and

(2) not later than January 30, 2000, submit to Congress a report on the results of the evaluation.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $4,000,000 for each of fiscal years 1996, 1997, 1998, 1999, and 2000.

ADDITIONAL COSPONSORS

S. 44

At the request of Mr. REID, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 44, a bill to amend title 4 of the United States Code to limit State taxation of certain pension income.

S. 1257

At the request of Mr. WELLSTONE, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 1257, a bill to amend the Stewart B. McKinney Homeless Assistance Act to reauthorize programs relating to homeless assistance for veterans.

SENATE RESOLUTION 146

At the request of Mr. JOHNSTON, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of Senate Resolution 146, a resolution designating the week beginning November 19, 1995, and the week beginning on November 24, 1996, as "National Family Week", and for other purposes.

AMENDMENTS SUBMITTED

THE FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT OF 1996

COHEN AMENDMENT NO. 2724

Mr. COHEN proposed an amendment to the bill (H.R. 1868) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes; as follows:

At an appropriate place in the bill, insert the following new section:

SEC. ___. REPORT ON RUSSIAN MILITARY OPERATIONS.

(a) No later than three months after the date of enactment of this act, the President shall declassify, to the maximum extent 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 in 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 Ministry 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; and

(5) Russian compliance with the Treaty on Conventional Armed Forces in Europe and the Organization on Security and Cooperation in Europe's Code of Conduct on the Politico-Military Aspects of Security.

HARKIN (AND OTHERS) AMENDMENT NO. 2725

Mr. HARKIN (for himself, Mr. FEINGOLD, Mr. DORNAN, Mr. BRADLEY, Mr. ROBB, and Mr. WELLSTONE) proposed an amendment to the bill H.R. 1868, supra, as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE ON THE CONFERENCE ON S. 4, THE LINE ITEM VETO ACT.

(a) FINDINGS.—The Senate finds that—

(1) the line item veto was a major plank in the House majority's "Contract With America" and has received strong bipartisan support in the 104th Congress;

(2) the House of Representatives on February 6, 1995, passed H.R. 2, the Line Item Veto Act of 1995, on a vote of 294–134;

(3) the Senate on March 23, 1995, passed S. 4, the Separate Enrollment and Line Item Veto Act of 1995, on a vote of 69–29;

(4) the House of Representatives passed S. 4, with the text of H.R. 2 inserted, by voice vote on May 17, 1995, 50 days after passage by the Senate;

(5) notwithstanding the failure of the House of Representatives to request a conference, the Senate disagreed with the House amendment, requested a conference, and appointed conferees on S. 4 on June 20, 1995;

(6) the House of Representatives appointed conferees on September 7, 1995, 168 days after both Houses of the Congress had passed line item veto legislation;

(7) with the passage of time, it increasingly appears that the Congress may pass and send to the President not only the appropriations bills for fiscal year 1996 but also the reconciliation bill required by H. Con. Res. 67 (the concurrent resolution setting forth the congressional budget for fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002) without first passing and sending to the President a line item veto bill;

(8) it is now only 9 days until the end of the fiscal year when the fiscal year 1996 appropriation bills need to become law in order to avoid disruption of the Government services; and

(9) the conferees on S. 4 still have not met.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the conferees on S. 4 should meet by September 26;

(2) the conferees should expeditiously resolve the differences between the 2 bills in sufficient time for the House of Representatives and the Senate to consider the conference report on S. 4 prior to the time the President is required to act upon the first fiscal year 1996 appropriation bill; and

(3) if the conferees do not complete action on the conference report in time to allow for the House of Representatives and Senate to consider the conference report prior to the time the President is required to act upon the fiscal year 1996 appropriation bills, S. 4 should, to the extent possible, contain provisions making the provisions of S. 4 applicable to the fiscal year 1996 appropriation bills and the 1995 reconciliation bill.

DOLE (AND OTHERS) AMENDMENT NO. 2726

Mr. DOLE (for himself, Mr. SIMON, Mr. HELMS, Mr. HATFIELD, Mr. D'AMATO, Mrs. FEINSTEIN, Ms. MOSELEY-BRAUN, Mr. BRADLEY, Mrs. MURRAY, Mr. KERRY, Mr. PRESSLER, Mr. MCCONNELL, Mr. LEAHY, Mr. KENNEDY, and Mr. HARKIN) proposed an amendment to the bill H.R. 1868, supra, as follows:

At the appropriate place in the bill, add the following:

LIMITATION ON ASSISTANCE TO COUNTRIES THAT RESTRICT THE TRANSPORT OR DELIVERY OF UNITED STATES HUMANITARIAN ASSISTANCE

SEC. . (a) IN GENERAL.—None of the funds made available in this Act may be used for assistance in support of any country when it is made known to the President that the government of such country prohibits or otherwise restricts, directly or indirectly, the transport or delivery of United States humanitarian assistance.

(b) EXCEPTION.—Subsection (a) shall not apply to assistance in support of any country when it is made known to the President that the assistance is in the national security interest of the United States.

HELMS AMENDMENT NO. 2727

Mr. HELMS proposed an amendment to the bill H.R. 1868, supra, as follows:

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

PROHIBITION ON USE OF FUNDS FOR RELOCATING AID TO FEDERAL TRIANGLE BUILDING

SEC. 577. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be used to relocate the Agency for International Development, or any part of that agency, to the Federal Triangle Building in Washington, District of Columbia.

BINGAMAN (AND PELL) AMENDMENT NO. 2728

Mr. BINGAMAN (for himself and Mr. PELL) proposed an amendment to the bill H.R. 1868, supra, as follows:

At the appropriate place insert the following:

SEC. . PROTECTION OF HUMANITARIAN EFFORTS.

Notwithstanding any provision of law to the contrary:

(a) FAMILY SUPPORT PAYMENTS.—Residents of the United States shall not be prohibited from sending to their parents, siblings, spouses, or children currently residing in Cuba small amounts of money (not to exceed $200 per month) to be used for the purchase of basic necessities, including food, clothing, household supplies, rent, medicines, and medical care.

(b) COMPASSIONATE TRAVEL.—Residents of the United States shall not be prohibited from traveling to Cuba for a period up to thirty (30) days to attend to a medical emergency involving, or to attend the funeral of, such resident's parent, sibling, spouse, or child.

(c) NATIONAL DISASTER RELIEF.—The United States shall not be prohibited from participating in humanitarian relief efforts of multilateral organizations of which the United States is a member, where such humanitarian relief efforts are made in the aftermath of a natural disaster on the island of Cuba.

HELMS AMENDMENTS NOS. 2729–2730

Mr. HELMS proposed two amendments to the bill H.R. 1868, supra, as follows:

AMENDMENT NO. 2729

On page 113, lines 25 and 26, strike "eighteen" and insert "twelve".

On page 119, line 15, insert "and thereby nullified" after the phrase "effectively disavowed".

On page 120, lines 3 and 4, strike "in accordance with the terms that may be agreed with Israel" and insert "that neither engage in nor practice terrorism or violence in the implementation of their political goals"

On page 120, line 15, strike "and".

On page 120, line 19, strike the period and insert ";and".

On page 120, between lines 19 and 20, insert the following:

(7) the P.L.O. has not funded, either partially or wholly, or has ceased funding, either partially or wholly, any office, or other presence of the Palestinian Authority in Jerusalem.

(8) the P.L.O. is cooperating fully with the Government of the United States on the provision of information on United States nationals known to have been held at any time by the P.L.O. or factions thereof.

AMENDMENT NO. 2730

At the appropriate place in the Committee amendment, insert the following new section:

COERCIVE POPULATION CONTROL METHODS

SEC. ___. Notwithstanding any other provision of this Act or other law, none of the funds appropriated by this Act may be made 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.

BINGAMAN (AND PELL) AMENDMENT NO. 2731

Mr. BINGAMAN (for himself and Mr. PELL) proposed an amendment to amendment No. 2728 proposed by Mr. BINGAMAN to the bill H.R. 1868, supra, as follows:

Strike all after the first word and insert the following:

PROTECTION OF HUMANITARIAN EFFORTS

Notwithstanding any provision of law to the contrary:

(a) FAMILY SUPPORT PAYMENTS.—Residents of the United States shall not be prohibited from sending to their parents, siblings, spouses, or children currently residing in Cuba small amounts of money (not to exceed $195 per month) to be used for the purchase of basic necessities, including food, clothing, household supplies, rent, medicines, and medical care.

(b) COMPASSIONATE TRAVEL.—Residents of the United States shall not be prohibited from traveling to Cuba for a period up to thirty (30) days to attend to a medical emergency involving, or to attend the funeral of, such resident's parent, sibling, spouse, or child.

(c) NATIONAL DISASTER RELIEF.—The United States shall not be prohibited from participating in humanitarian relief efforts of

multilateral organizations of which the United States is a member, where such humanitarian relief efforts are made in the aftermath of a natural disaster on the island of Cuba.

KERRY AMENDMENTS NOS. 2732–2733

Mr. KERRY proposed two amendments to the bill H.R. 1868, supra, as follows:

AMENDMENT NO. 2732

On page 26 of the bill, strike lines 4 through 22.

AMENDMENT NO. 2733

On page 29 of the bill, strike the word "Appropriations:" on line 17 and all that follows it on that page and insert in lieu thereof: "Appropriations."

COCHRAN AMENDMENT NO. 2734

Mr. MCCONNELL (for Mr. COCHRAN) proposed an amendment to the bill H.R. 1868, supra; as follows:

On page 43, line 17, strike out "*Provided,*" and insert in lieu thereof "*Provided,* That not less than $3,000,000 of the funds appropriated under this heading shall be made available for the World Food Program: *Provided further,*".

SHELBY AMENDMENT NO. 2735

Mr. MCCONNELL (for Mr. SHELBY) proposed an amendment to the bill H.R. 1868, supra; as follows:

On page 11, line 10 insert after "Zaire" ": *Provided further,* That, not less than $2,000,000 shall be provided to the International Fertilizer Development Center".

INOUYE AMENDMENT NO. 2736

Mr. MCCONNELL (for Mr. INOUYE) proposed an amendment to the bill H.R. 1868, supra; as follows:

At the appropriate place under the heading on page 8, "Economic Assistance" add the following provision;

"*Provided further,* That not less than $800,000 of the funds made available under this heading shall be made available for support of the United States Telecommunications Training Institute;

COVERDELL AMENDMENT NO. 2737

Mr. MCCONNELL (for Mr. COVERDELL) proposed an amendment to the bill H.R. 1868, supra; as follows:

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

SEC. . Notwithstanding any other provision of this Act, $20,000,000 of the funds made available under this Act for or through the Agency for International Development shall be transferred to, and merged with, the appropriations account entitled "INTERNATIONAL NARCOTICS CONTROL" and shall be available for the same purposes for which funds in such account are available.

GORTON AMENDMENT NO. 2738

Mr. MCCONNELL (for Mr. GORTON) proposed an amendment to the bill H.R. 1868, supra; as follows:

At the end of section 546 of the bill, insert the following:

(c) The President may transfer to Estonia such excess defense articles as the President determines necessary to help modernize the defense capabilities of Estonia, subject to the requirements of subsections (b) through (f) of section 519 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321m).

STEVENS (AND OTHERS) AMENDMENT NO. 2739

Mr. MCCONNELL (for Mr. STEVENS for himself, Mr. HATFIELD, and Mr. INOUYE) proposed an amendment to the bill H.R. 1868, supra; as follows:

On page 18, line 24, after "assistance:" insert the following:

Provided further, That not less than the Egyptian pound equivalent of $85,000,000 generated from funds made available by this paragraph, or from any other source including from funds made available for Egypt for fiscal year 1997, shall be made available to the United States pursuant to the United States-Egypt Economic, Technical and Related Assistance Agreements of 1978, for the following endowments established under such Agreements: the Egyptian pound equivalent of $50,000,000 shall be made available to replenish the existing endowment for the American University in Cairo, and the Egyptian pound equivalent of $35,000,000 shall be made available to replenish the existing endowment for projects and programs which promote the preservation and restoration of Egyptian antiquities:

DOMENICI (AND OTHERS) AMENDMENT NO. 2740

Mr. MCCONNELL (for Mr. DOMENICI for himself, Mrs. HUTCHISON, Mr. KYL, Mr. MCCAIN, Mr. BINGAMAN, and Mr. GRAMM) proposed an amendment to the bill H.R. 1868, supra, as follows:

NORTH AMERICAN DEVELOPMENT BANK

For payment to the North American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in portion of the capital stock, $25,000,000, to remain available until expended; *Provided,* that for the payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the fund to be administered by the Inter-American Development Bank, $45,000,000 is provided to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the North American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of the capital stock of the North American Development Bank in an amount not exceed, $318,750,000.

WELLSTONE AMENDMENT NO. 2741

Mr. MCCONNELL (for Mr. WELLSTONE) proposed an amendment to the bill H.R. 1868, supra, as follows:

On Page 43, under the heading "International Organizations and Programs", add the following proviso; "*Provided further,* that not less than $1,500,000 of the funds appropriated under this heading shall be made available for the United Nations Fund for Victims of Torture;"

DODD (AND OTHERS) AMENDMENT NO. 2742

Mr. MCCONNELL (for Mr. DODD for himself, Mr. LEAHY, Mrs. MURRAY, Mr. DORGAN, and Mr. LUGAR) proposed an amendment to the bill H.R. 1868, supra, as follows:

On page 11, line 3 strike "$15,000,000" and insert in lieu thereof "$30,000,000".

DODD (AND LEAHY) AMENDMENT NO. 2743

Mr. MCCONNELL (for Mr. DODD for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 1868, supra, as follows:

At the appropriate place in the bill add the following new section:

SEC. . GUATEMALA.

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

(1) The Government of Guatemala, under President De Leon Carpio, has made significant progress towards negotiating an end to Guatemala's civil conflict which has resulted in numerous human rights violations, claimed tens of thousands of lives and impeded economic development in that country;

(2) President De Leon Carpio has taken steps to improve human rights, including his support for the U.N. mission for the verification of human rights and of compliance with the commitments of the comprehensive agreement of human rights in Guatemala (Minugua) and his recent decision to abolish the military commissioners, but his efforts to bring human rights violators to justice have been impeded by certain members of the Guatemalan armed forces;

(3) Despite numerous appeals by the families of victims of human rights abuses, human rights organizations and Members of the United States Congress, there has been minimal progress towards resolving specific human rights cases including cases involving American citizens or their relatives;

(4) President De Leon Carpio deserves the support of the United States in his efforts to resolve Guatemala's conflict peacefully, to support Democratic elections, and to improve respect for human rights.

(b) LIMITATIONS.—Notwithstanding any other provisions of law—

(1) No assistance in this act or any other act shall be made available to the Guatemalan Armed Forces or the URNG;

(2) No sales of defense articles or services shall be licensed or approved for Guatemala for the Armed Forces or URNG; and

(3) No visas shall be granted for any member of the Guatemalan Armed Forces or the URNG suspected of participating in or ordering any violation of human rights or of seeking to coverup or otherwise thwart the investigation of such acts.

(c) CERTIFICATION.

The limitations contained in subsection (b) shall cease to apply when the President certifies to the Committee on Appropriations and the Committee on Foreign Relations that—

(1) The Guatemalan Armed Forces and the URNG are fully cooperating with efforts—

(A) 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;

(B) The October 1994 murders of Roderico Baudilio De Leon and Flavio Matias Marroquin;

(C) By Jennifer Harbury to exhume the body of her husband, Efrain Bamaca Velasquez; and

(D) By human rights organizations and the Guatemalan Attorney General to investigate and bring to justice those involved in the prominent human rights cases committed by both sides to the conflict, including those cases enumerated in the April 7, 1995 letter to President Clinton by twelve Members of the United States Senate.

(2) The Guatemalan Government and Armed Forces are complying with the recommendations in Minugua's first and second reports, particularly those related to the investigation and prosecution of human rights cases.

(3) The U.S. Representatives to the United Nations Human Rights Commission has consulted with Representatives of other member states to determine whether respect for human rights would be enhanced by the appointment of a special United Nations Rapporteur for Guatemala.

McCAIN (AND KERRY) AMENDMENT NO. 2744

Mr. McCONNELL (for Mr. McCAIN for himself and Mr. KERRY) proposed an amendment to the bill H.R. 1868, supra, as follows:

On page 104, strike lines 7 through 10 and insert the following:

SEC. 570. None of the funds made available in this Act may be used for international narcotics control assistance under chapter 8 of part I of the Foreign Assistance Act of 1961, or crop substitution assistance, directly for the Government of Burma unless the Secretary of State certifies to the appropriate congressional committees that any such programs are fully consistent with United States human rights concerns in Burma and serve a vital United States national interest. The President shall include in the annual International Narcotics Control Strategy Report submitted under chapter 8 of part I of the Foreign Assistance Act of 1961 a description of the programs funded under this section.

KERRY AMENDMENT NO. 2745

Mr. McCONNELL (for Mr. KERRY) proposed an amendment to the bill H.R. 1868, supra, as follows:

At the appropriate place add the following new section:

SEC. . (a) The Senate finds the following:

(1) Since March 1995 the Peruvian government has engaged in an aggressive air interdiction program to prevent narcotics traffickers from violating Peruvian airspace for the purpose of transporting illegal narcotics to Colombia.

(2) As a result of the Peruvian interdiction program, the number of illicit flights detected in recent months has dropped to its lowest level in over three years and the price of transporting narcotics out of Peru has risen by as much as 500 percent.

(c) The inability of the traffickers to move cocaine base out of Peru has produced a glut of coca leaf and cocaine base in Peru with a resulting 50 percent decline in the price.

(4) The Peruvian government's ability to sustain the success of its interdiction program is dependent on the maintenance and upkeep of a very limited number of aircraft.

(5) As a result of the internal Peruvian political situation and the conflict earlier this year between Peru and Ecuador, the United States suspended military transfers to Peru.

(6) As much as 80 percent of the cocaine that reaches the United States comes from coca grown in Peru and the disruption of the air corridor between Peru and Colombia is important to United States counter narcotics efforts.

(7) The situations which led to the cutoff of military equipment for the air interdiction effort have been satisfactorily resolved or have progressed to a point where the cutoff of this military equipment is no longer in the interest of the United States.

(b) It is the sense of the Senate that the President should, as soon as possible, provide limited spare parts and other military equipment to the government of Peru in support of Peruvian Air Force efforts to monitor, intercept and interdict aircraft and other forms of transportation engaged in illegal narcotics trafficking activities.

PELL (AND OTHERS) AMENDMENT NO. 2746

Mr. McCONNELL (for Mr. PELL for himself, Mr. SIMON, Ms. MIKULSKI, and Mr. SARBANES) proposed an amendment to the bill H.R. 1868, supra, as follows:

On page 9, insert after the end of line 8 the following: *Provided further*, That the President shall seek to ensure that the percentage of funds made available under this heading for the activities of private and voluntary organizations and cooperatives is at least equal to the percentage of funds made available pursuant to corresponding authorities in law for the activities of private and voluntary organizations and cooperatives in fiscal year 1995:

PELL (AND LEAHY) AMENDMENT NO. 2747

Mr. McCONNELL (for Mr. PELL for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 1868, supra, as follows:

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

Of the funds appropriated for Turkey under the heading "Economic Assistance", not less than $5 million shall be made available only through non-governmental organizations to be used only for projects in the ten southeastern provinces currently under a state of emergency, and shall be used only for projects designed to promote economic development, cultural and ethnic tolerance, and human rights activities, and to support the development and activities of non-governmental organizations.

LEAHY AMENDMENT NO. 2748

Mr. McCONNELL (for Mr. LEAHY) proposed an amendment to the bill H.R. 1868, supra, as follows:

On page 36, line 4, after the word "Turkey" insert the following:

": *Provided further*, That the President should seek the agreement of the Prime Minister of Turkey to permit access throughout Turkey for international humanitarian organizations which operate confidentially, and report to the Committee on Appropriations by June 1, 1996, on progress towards such agreement"

BROWN (AND OTHERS) AMENDMENT NO. 2749

Mr. McCONNELL (for Mr. BROWN for himself, Mr. SIMON, Ms. MIKULSKI, Mr. ROTH, Mr. DOLE, Mr. HELMS, Ms. MOSELEY-BRAUN, Mr. SANTORUM, Mr. McCONNELL, and Mr. SPECTER) proposed an amendment to the bill H.R. 1868, supra, as follows:

On page 121, below line 24, add the following:

TITLE VII—NATO PARTICIPATION ACT AMENDMENTS OF 1995

SECTION 701. SHORT TITLE.

This title may be cited as the "NATO Participation Act Amendments of 1995".

SEC. 702. 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 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 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) Nothing in this title should be construed as precluding the eventual NATO membership of European countries never under Communist domination, namely, Austria, Finland, and Sweden.

(17) The provision of NATO transition assistance should include those countries most ready for closer ties with NATO and should be designed to assist other countries meeting specified criteria of eligibility to move forward toward eventual NATO membership.

(18) The evaluation of future membership in NATO for countries emerging from Communist domination should be based on the progress of those nations in meeting criteria for NATO transition assistance and evolving NATO criteria, which require enhancement of NATO's security and the approval of all NATO members.

SEC. 703. 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; and

(3) to work to define the political and security relationship between an enlarged NATO and the Russian Federation.

SEC. 704. 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 may provide expanded security assistance and other related assistance to 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 ELIGIBLE COUNTRIES.—

"(1) PRESIDENTIAL REVIEW AND REPORT.—Within 60 days of the enactment of the NATO Participation Act Amendments of 1995, the President shall transmit to the Congress an evaluation of Poland, Hungary, the Czech Republic, and Slovakia, as well as all other European countries emerging from Communist domination which have expressed an interest in joining NATO, in accordance with the criteria in paragraph (3) and specifically designate one or more of these countries to be eligible to receive assistance under the program established in subsection (a). The President shall provide a report of the country-by-country evaluation as well as an evaluation of each designated country's progress toward conformance with criteria for full NATO membership.

"(2) OTHER EUROPEAN COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—In addition to the country or countries designated pursuant to paragraph (1), the President may designate other European countries emerging from Communist domination. 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 meets the criteria specified in paragraph (3).

"(3) CRITERIA.—The criteria referred to in paragraph (2) are, with respect to each country, that the country—

"(A) has made or is making 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) is not ineligible 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; and

"(D) could, within five years of the determination of the President under paragraph (1) or (2), 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.

"(4) PROHIBITION ON FUNDING FOR PARTNERSHIP FOR PEACE ACTIVITIES OR ON FUNDING FOR THE WARSAW INITIATIVE.—Effective 60 days after the date of enactment of the NATO Participation Act Amendments of 1995, no funds authorized to be appropriated under any provision of law may be obligated or expended for activities associated with the Partnership for Peace program or the Warsaw Initiative until the President has designated at least one country to participate in the transition program established under subsection (a).".

(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) Assistance 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 articles costs for countries designated for both grant lethal and nonlethal excess defense articles.

"(I) Authority to convert FMF loans to grants, and grants to loans, for eligible countries.

(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), $5,000,000 for fiscal year 1996 and $5,000,000 for fiscal year 1997 should support—

"(A) the attendance of additional military personnel of countries designated under subsection (d)(1) or (d)(2), particularly 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. 705. ASSISTANCE FOR NATO PARTICIPATION ACT DESIGNEES.

The President is authorized to obligate and expend $60,000,000 from funds made available under the Foreign Assistance Act of 1961 in support of countries designated to receive transition assistance under section 203(a) of the NATO Participation Act, as follows:

(1) Poland: $20,000,000.

(2) Czech Republic: $10,000,000.

(3) Hungary: $5,000,000.

(4) Slovakia: $5,000,000.

(5) Other European countries designated under subsection (d)(1) or subsection (d)(2): $20,000,000.

SEC. 706. 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.

"(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 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. 707. 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 705(1) of this Act, 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 criteria for NATO membership set forth by the North Atlantic Council, 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. 708. 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, Moldova, Poland, Romania, Slovakia, Slovenia, and Ukraine.".

McCONNELL (AND OTHERS) AMENDMENT NO. 2750

Mr. McCONNELL (for himself, Mr. BYRD, Mr. INOUYE, Mr. LEAHY, Mr. NUNN, Mr. HATFIELD, Mr. STEVENS, Mr. THOMAS, Mr. ROBB, and Mr. LUGAR) proposed an amendment to the bill H.R. 1868, supra, as follows:

Strike all after "that" on p. 108, line 18 through line 10 on page 109, and insert in lieu thereof the following:

(a) in accordance with Section 1 of the Agreed Framework, KEDO has designated a Republic of Korea company, corporation or entity for the purpose of negotiating a prime contract to carry out construction of the light water reactors provided for in the Agreed Framework; and

(b) the DPRK is maintaining the freeze on its nuclear facilities as required in the Agreed Framework; and

(c) the United States is taking steps to assure that progress is made on (1) the North South dialogue, including efforts to reduce barriers to trade and investment, such as removing restrictions on travel, telecommunications services and financial transactions; and (2) implementation of the January 1, 1992 Joint Declaration on the Denuclearization of the Korean Peninsula.

(d) A report on the specific efforts with regard to subsection (c) shall be submitted by the President to the Committees on Appropriations six months after the date of enactment, and every six months thereafter.

McCONNELL AMENDMENT NO. 2751

Mr. McCONNELL proposed an amendment to the bill H.R. 1868, supra, as follows:

On page 24, line 5 add the following after "services":

: *Provided*, That these funds shall be in addition to funds justified for programs in the fiscal year 1996 congressional presentation documents.

PRESSLER (AND OTHERS) AMENDMENT NO. 2752

Mr. McCONNELL (for Mr. PRESSLER for himself, Mr. D'AMATO, Mr. HELMS, Mr. MACK, Mr. THOMAS, and Mr. LIEBERMAN) proposed an amendment to the bill H.R. 1868, supra, as follows:

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

SEC. ___. HONG KONG ELECTIONS.

(a) FINDINGS.—The Congress finds the following:

(1) The right to an elected legislature in Hong Kong is guaranteed by the 1984 Sino-British Joint Declaration on the Question of Hong Kong.

(2) The United States-Hong Kong Policy Act declared the Congress's support for full implementation of the 1984 Sino-British Joint Declaration;

(3) The People's Republic of China declared in the Joint Declaration that Hong Kong would be "vested legislative, executive and independent judicial power" and would have "a legislature constituted by elections".

(4) On September 17, 1995, the highest number of Hong Kong voters ever demonstrated their commitment to democracy by freely expressing their right to vote in the Legislative Council elections.

(5) The voters of Hong Kong have overwhelmingly expressed their desire for the establishment of a fully democratic government by electing 60 Legislative Councillors for four-year terms.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the people of Hong Kong are to be congratulated for exercising their right to vote on September 17, 1995;

(2) the People's Republic of China should respect the clear will of the people of Hong Kong to have a fully democratic government;

(3) the Government of the People's Republic of China should enter into a dialogue with the democratically elected representatives of the Hong Kong people; and

(4) the Government of the People's Republic of China should respect the mandate of the elected members by withdrawing its pledge to abolish the Legislative Council in violation of the Joint Declaration's provisions on Hong Kong's legislature and autonomy in all but defense and foreign affairs.

McCONNELL AMENDMENT NO. 2753

Mr. McCONNELL proposed an amendment to the bill H.R. 1868, supra; as follows:

AMENDMENT NO. 2753

At the appropriate place in the bill insert the following:

SEC. 2. SANCTIONS AGAINST BURMA.

Except as provided in section 4, the following sanctions shall apply to Burma, effective 90 days after the date of enactment of this Act (or on such other date as is specified in this section):

(1) INVESTMENTS.—No United States national may make any investment in Burma.

(2) UNITED STATES ASSISTANCE.—United States assistance for Burma is prohibited.

(3) TRADE PRIVILEGES.—The President shall continue the suspension of special trade privileges pursuant to the Generalized System of Preferences (GSP), and shall continue the suspension of nondiscriminatory trade treatment (most-favored-nation status), with respect to Burma.

(4) IMPORTATION OF GOODS.—No article which is produced, manufactured, grown, or extracted in Burma may be imported into the United States.

(5) TRADE AND INVESTMENT TREATIES.—The United States should continue to suspend carrying out obligations under bilateral trade and investment treaties with Burma.

(6) TRAVEL RESTRICTIONS.—The Secretary of State shall prohibit the use of United States passports for travel to Burma except for travel by United States diplomatic personnel.

(7) DIPLOMATIC REPRESENTATION.—The President is urged not to accept diplomatic representation from Burma at a level greater than the level of diplomatic representation accorded the United States in Burma.

(8) FOREIGN ASSISTANCE.—The United States shall suspend assistance under the Foreign Assistance Act of 1961 and the Arms Export Control Act to any foreign government which sells or otherwise transfers arms to the Government of Burma.

(9) INTERNATIONAL ORGANIZATIONS CONTRIBUTIONS.—The United States shall withhold from each international organization that funds activities in Burma other than humanitarian activities an amount equal to the United States proportionate share of that funding.

(10) MULTILATERAL ASSISTANCE.—The Secretary of the Treasury shall instruct the United States executive director of each financial institution to vote against any loan or other utilization of the funds of the respective bank to or for Burma.

(11) EMINENT PERSONS GROUP.—The President, acting through the United States Permanent Representative to the United Nations, should urge the United Nations to establish an eminent persons group to report on compliance by the Government of Burma with United Nations resolutions.

(12) INTERNATIONAL ARMS EMBARGO.—The President, acting through the United States Permanent Representative to the United Nations, should urge the establishment by the United Nations of an international arms embargo of Burma.

SEC. 3. AGREEMENTS TO IMPOSE SANCTIONS ON BURMA.

(a) NEGOTIATIONS WITH TRADING PARTNERS.—

(1) IN GENERAL.—Not later than 15 days after the date of the enactment of this Act, the President shall initiate negotiations with all foreign countries with which the United States trades for the purpose of entering into agreements with the countries—

(A) to support United States sanctions against Burma, and

(B) to cease trade with and investment in Burma.

(2) CERTIFICATION OF NEGOTIATIONS AND AGREEMENTS.—Not later than 90 days after the date of the enactment of this Act, the President shall certify to the Congress each country that—

(A) has failed to enter into an agreement described in paragraph (1), or

(B) has entered into such an agreement but is not enforcing it.

(3) ACTION BY THE PRESIDENT.—Notwithstanding any other provision of law, if a certification is made with respect to any country under paragraph (2) the President shall withdraw—

(A) any designation of such country—

(i) as a beneficiary developing country for purposes of title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.),

(ii) as a beneficiary country for purposes of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.), or

(iii) as a beneficiary country for purposes of the Andean Trade Preference Act (19 U.S.C. 3201 et seq.),

(B) from such countries the benefits of any other special tariff treatment program under which the special rates of duty apply under column 1 of the Harmonized Tariff Schedule of the United States, and

(C) most-favored-nation trade treatment with respect to any such country.

(b) APPLICABILITY.—

(1) IN GENERAL.—The provisions of this section apply to goods entered, or withdrawn from warehouse for consumption, originating in or imported from a country with respect to which an action described in subsection (a)(3) has been taken, during the period beginning on the date that is 15 days after the date of the certification described in subsection (a)(2) and ending on the date that is 15 days after the earlier of—

(A) the date the President certifies to the Congress that such country has entered into an agreement described in subsection (a)(1) and is enforcing the agreement, or

(B) the date a certification described in section 4 is made.

(2) RATE OF DUTY DURING PERIOD DESIGNATION IS WITHDRAWN.—During the period described in paragraph (1), goods entered, or withdrawn from warehouse for consumption, originating in or imported from a country described in subsection (a)(3) shall be subject to duty at the rates of duty specified for such goods under column 2 of the Harmonized Tariff Schedule of the United States.

SEC. 4. CERTIFICATION.

The sanctions of section 2 shall not apply upon the determination and certification by the President to the appropriate congressional committees that the following conditions are met:

(1) The Government of Burma has unconditionally released all political prisoners, including Aung San Suu Kyi.

(2) The Government of Burma has fully implemented the results of the 1990 elections in Burma, including the transfer of power to civilian authority, the protection of basic human rights, and guaranteeing the right of Burmese citizens to participate freely in the political process, assuring freedom of speech and the right of association and assembly.

(3) The Government of Burma has implemented an effective counternarcotics effort.

SEC. 5. SANCTIONS AGAINST THE PEOPLE'S REPUBLIC OF CHINA.

The Secretary of the Treasury shall instruct the United States executive director of each multilateral financial institution to vote against any loan or other utilization of the facilities of the respective institution to or for the People's Republic of China until the President determines and certifies to the appropriate congressional committees that the People's Republic of China has terminated arms sales and other arms transfers to Burma.

SEC. 6. SANCTIONS AGAINST THE GOVERNMENT OF THAILAND.

The President shall withhold all United States assistance to the Government of Thailand until the President determines and certifies to the appropriate congressional committees that the Government of Thailand is fully cooperating in providing support and relief for Burmese exiles and refugees.

SEC. 7. REPORT.

Not later than 45 days after the date of enactment of this Act, the President shall submit a report to the appropriate congressional committees on—

(1) the chemical and biological weapons capability of Burma;

(2) a plan to provide United States assistance in support of the democracy movement active inside Burma;

(3) the treatment by the Government of Thailand of Burmese students, refugees, and exiles resident in Thailand; and

(4) the status of arms sales and other arms transfers to the Government of Burma, including the amount of expenditures by the Government of Burma in the acquisition of arms.

SEC. 8. DEFINITIONS.

As used in this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

(2) INVESTMENT.—The term "investment" includes any contribution or commitment of funds, commodities, services, patents, processes, or techniques, in the form of—

(A) a loan or loans;

(B) the purchase of a share of ownership;

(C) participation in royalties, earnings, or profits; and

(D) the furnishing of commodities or services pursuant to a lease or other contract.

(3) HUMANITARIAN ACTIVITIES.—The term "humanitarian activities" means the provision of food, medicine, medical supplies, or clothing and does not include cash transfers.

(4) FINANCIAL INSTITUTIONS.—The term "financial institutions" includes the International Bank for Reconstruction and Development, the International Development Association, the Asian Development Bank, and the International Monetary Fund.

(5) UNITED STATES ASSISTANCE.—The term "United States assistance" means assistance of any kind which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government to any foreign country, including—

(A) assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of the Act);

(B) sales, credits, and guaranties under the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(C) sales under title I (7 U.S.C.A. 1701 et seq.) or III (17 U.S.C.A. 1727 et seq.) and donations under title II (17 U.S.C.A. 1721 et seq.) of the Agricultural Trade Development and Assistance Act of 1954 of nonfood commodities;

(D) other financing programs of the Commodity Credit Corporation for export sales of nonfood commodities; and

(E) financing under the Export-Import Bank Act of 1945 (12 U.S.C.A. 635 et seq.).

COHEN AMENDMENT NO. 2754

Mr. MCCONNELL (for Mr. COHEN) proposed an amendment to the bill H.R. 1868, supra, as follows:

At an appropriate place in the bill add the following new section.

SEC. . SENSE OF THE SENATE ON THAILAND.

(a) FINDINGS.—The Senate makes the following findings—

(1) the Royal Thai Government has had a policy of not supporting or cooperating with the Khmer Rouge; and

(2) Thailand is host to large numbers of persons displaced from neighboring countries, including Burma, placing a significant burden on Thailand's economy.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should—

(1) affirm to the Royal Thai Government the support of the United States for that Government's policy not to support or cooperate with the Khmer Rouge and encourage the Royal Thai Government to prosecute vigorously its efforts to prevent cooperation between individual members of the Royal Thai Armed Forces and the Khmer Rouge; and

(2) take appropriate steps to assist the Royal Thai Government in providing and facilitating relief to displaced persons from Burma and other neighboring countries and to encourage that Government to fully cooperate in such relief efforts.

MCCONNELL AMENDMENT NO. 2755

Mr. MCCONNELL proposed an amendment to the bill H.R. 1868, supra, as follows:

Add the following new section to title V:

SEC. . EXTENSION OF TIED AND CREDIT PROGRAM.

(a) Section 10(c)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 6351–3(c)(2)) is

amended by striking "1995" and inserting "1997".

(b) Section 10(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 6351-3(e)) is amended by striking "1993, 1994, and 1995" and inserting "1996 and 1997".

SEC. 102. AUTHORITY TO CONDUCT A DEMONSTRATION PROJECT

(a) Notwithstanding section 4701(a)(1)(A) of title 5, United States Code, the Export-Import Bank of the United States may conduct a demonstration project in accordance with section 4703 of such title 5.

HELMS AMENDMENT NO. 2756

Mr. MCCONNELL (for Mr. HELMS) proposed an amendment to the bill H.R. 1868, supra, as follows:

On page 45, line 4, after the word "funds" insert the following: "Provided further, that of the funds appropriated under this heading, not less than $1,000,000 shall be made available to UNIFEM."

LEAHY AMENDMENT NO. 2757

Mr. MCCONNELL (for Mr. LEAHY) proposed an amendment to the bill H.R. 1868, supra, as follows:

At the appropriate place, insert the following:

CONVENTIONAL WEAPONS REVIEW

(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 or in demilitarized zones within a perimeter marked area that is monitored by military personnel and protected by adequate means to ensure the exclusion of civilians.

(B) If the President determines, before the end of the one year 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 for 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.—(A) 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.

(B) The term "antipersonnel landmine" does not include command detonated Claymore munitions.

(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.

HELMS AMENDMENT NO. 2758

Mr. MCCONNELL (for Mr. HELMS) proposed an amendment to the bill H.R. 1868, supra, as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . EXTENSION OF AU PAIR PROGRAMS.

Section 8 of the Eisenhower Exchange Fellowship Act of 1990 is amended in the last sentence by striking "fiscal year 1995" and inserting "fiscal year 1998".

MCCONNELL AMENDMENT NO. 2759

Mr. MCCONNELL proposed an amendment to the bill H.R. 1868, supra, as follows:

Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956: *Provided*, That this section shall not apply with respect to any accounts for which a general authorization of appropriations for fiscal year 1996 is enacted in law on or before April 1, 1996.

DOLE (AND OTHERS) AMENDMENT NO. 2760

Mr. MCCONNELL (for himself, Mr. DOLE, Mr. MCCAIN, Mr. GREGG, Mr. HELMS, and Mr. COVERDELL) proposed an amendment to the bill H.R. 1868, supra, as follows:

At the end of the last committee amendment, insert the following:

SEC. . LIMITATION ON ASSISTANCE FOR HAITI.

(a) LIMITATION.—None of the funds appropriated or otherwise made available by this Act or any other Act may be furnished to the Government of Haiti until the President determines and reports in writing to the Congress that—

(1) the Government of Haiti has conducted or is conducting a thorough and professional investigation into, and prosecution of those responsible for the murder of Mireille Durocher de Bertin on March 28, 1995, and other possible cases of political or extrajudicial killings, including the 20 cases of "commando-style executions" cited by the United Nations/Organization of American States International Civilian Mission in Haiti on September 12, 1995;

(2)(A) the police and security forces of Haiti are not assassinating or abducting civilians, are not engaging in other acts of violence directed at civilians, and are controlling such activities by elements subject to the control of those forces; or

(B) the Government of Haiti is investigating effectively the members within its police and security forces engaged in acts of violence against civilians, and has put in place effective policies to deter and punish such activities in the future.

(3) the Government of Haiti has actively sought and encouraged a law enforcement service from outside Haiti to assist and monitor investigators of the Government of Haiti in their investigation of the murders cited in section (1) above; and

(4)(A) the Government of Haiti has cooperated fully and in a timely fashion with U.S. Federal Bureau of Investigation efforts to investigate the murder of Mireille Durocher de Bertin, including providing access to Haitian government employees in a manner which facilitates prosecution of those responsible for her murder; or

(B) the Government of Haiti has not cooperated fully and in a timely fashion with U.S. Federal Bureau of Investigation efforts to investigate the murder of Mireille Durocher de Bertin, including providing access to Haitian government employees in a manner which facilitates prosecution of those responsible for her murder, in which case the President shall submit a detailed accounting of the areas of non-cooperation and his assessment of all the reasons for such non-cooperation by the Government of Haiti.

(b) REPORT.—Not later than 60 days after enactment of this section, the President shall report to the appropriate committees of Congress, based on information available to him, on the identity or identities of those responsible for the murder and any subsequent coverup, and on the status of the Government of Haiti's investigation of:

(1) the murder of American citizen Richard Andre Emmanuel on February 13, 1991;

(2) the murders of Bastian Desrosiers, Stevenson Desrosiers, Jacques Nelio, Pierre Schiller and Louis Walky on July 26, 1991;

(3) the murder of Revered Sylvio Claude on September 17, 1991;

(4) the murder of Roger Lanfontant on September 29, 1991;

(5) the murder of Antoine Izmery on September 11, 1993; and

(6) the murder of Minister of Justice Guy Malary on October 14, 1993.

(c) HUMANITARIAN ASSISTANCE.—Nothing in this section shall be construed to restrict the provision of humanitarian or electoral assistance to the Haitian people by non-governmental or private voluntary organizations.

(d) WAIVER.—The president may waive the requirements of this section if he determines and certifies to the appropriate committees of Congress that it is necessary to facilitate the safe and timely withdrawal of American forces from Haiti.

DOLE (AND OTHERS) AMENDMENT NO. 2761

Mr. MCCONNELL (for himself, Mr. DOLE, Mr. HELMS, and Mr. LIEBERMAN) proposed an amendment to the bill H.R. 1868, supra, as follows:

In subsection (b) of the section entitled "AUTHORITY TO ASSIST BOSNIA-HERZEGOVINA", strike "$50,000,000" and insert "$100,000,000".

DOLE (AND HATCH) AMENDMENT NO. 2762

Mr. MCCONNELL (for Mr. DOLE for himself and Mr. HATCH) proposed an amendment to the bill H.R. 1868, supra, as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . CROATIAN-AMERICAN ENTERPRISE FUND.

(a) DESIGNATION OF FUND.—The President shall designate a private, nonprofit organization as eligible to receive funds and support pursuant to this section with respect to Croatia 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. Such organization shall be known as the "Croatian-American Enterprise Fund".

(b) APPLICATION OF SEED ACT.—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 the Croatian-American Enterprise Fund. The officers, members, or employees of the Croatian-American Enterprise Fund 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.

(c) 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, $12,000,000 for fiscal year 1996 to fund the Croatian-American Enterprise Fund established under subsection (a).

(2) Funds appropriated under this subsection are authorized to remain available until expended.

(d) APPROPRIATIONS.—Of the funds appropriated or otherwise made available by this Act under the heading entitled "ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES", $12,000,000 shall be available only to support the Croatian-American Fund established by subsection (a).

DOLE (AND D'AMATO) AMENDMENTS NOS. 2763–2764

Mr. MCCONNELL (for Mr. DOLE for himself and Mr. D'AMATO) proposed two amendments to the bill H.R. 1868, supra, as follows:

AMENDMENT NO. 2763

Before the period at the end of the heading entitled "INTERNATIONAL DISASTER ASSISTANCE", insert the following: ": *Provided*, That of the amount appropriated under this heading, $40,000,000 should be available only for emergency humanitarian assistance to the former Yugoslavia, of which amount not less than $6,000,000 shall be available only for humanitarian assistance to Kosova".

AMENDMENT NO. 2764

At the appropriate place in the bill, insert the following new section:

SEC. ___. SANCTIONS AGAINST COUNTRIES HARBORING WAR CRIMINALS.

(a) BILATERAL ASSISTANCE.—Assistance may not be provided in any fiscal year under the Foreign Assistance Act of 1961 or the Arms Export Control Act for any country described in subsection (c).

(b) MULTILATERAL ASSISTANCE.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions each fiscal year to work in opposition to, and vote against, any extension by such institutions of financing or financial or technical assistance to any country described in subsection (c).

(c) SANCTIONED COUNTRIES.—A country described in this subsection is a country the government of which permits entry into or presence in the territory of such country to any person—

(1) who has been indicted by the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, or any other international tribunal with similar standing under international law, or

(2) who has been indicted for war crimes or crimes against humanity committed during the period beginning March 23, 1933 and ending on May 8, 1945 under the direction of, or in association with—

(A) the Nazi government of Germany;

(B) any government in any area occupied by the military forces of the Nazi government of Germany;

(C) any government which was established with the assistance or cooperation of the Nazi government of Germany; or

(D) any government which was an ally of the Nazi government of Germany.

(d) DEFINITIONS.—As used in this section—

(1) the term "international financial institutions" includes the International Bank for Reconstruction and Development, the International Development Association, the International Monetary Fund, the European Bank for Reconstruction and Development, the International Finance Corporation, the Multilateral Investment Guarantee Agency, the Inter-American Development Bank, the Inter-American Investment Corporation, the African Development Bank, the African Development Fund, and the Asian Development Bank; and

(2) the term "war crime" includes any offense which is—

(A) a grave breach of any of the four Geneva Conventions for the Protection of War Victims of August 12, 1949;

(B) a violation of the Hague Convention (IV) Respecting the Laws and Customs of War on Land of October 18, 1907, or the Regulations annexed thereto;

(C) a violation of the Convention on the Prevention and Punishment of the Crime of Genocide of December 9, 1948; or

(D) a violation of the Charter of the International Military Tribunal of August 8, 1945.

DOLE (AND BIDEN) AMENDMENT NO. 2765

Mr. MCCONNELL (for Mr. DOLE for himself and Mr. BIDEN) proposed an amendment to the bill H.R. 1868, supra, as follows:

On page 121, after line 24, insert the following new section:

LIMITATION ON FUNDS TO THE TERRITORY OF THE BOSNIAC-CROAT FEDERATION.

SEC. 605. Funds appropriated by this Act for activities in the internationally-recognized borders of Bosnia and Herzegovina (other than refugee and disaster assistance and assistance for restoration of infrastructure, to include power grids, water supplies and natural gas) may only be made available for activities in the territory of the Bosniac-Croat Federation.

COHEN AMENDMENT NO. 2766

Mr. MCCONNELL (for Mr. COHEN) proposed an amendment to the bill H.R. 1868, supra, as follows:

At an appropriate place in the bill insert the following new section:

SEC. RUSSIAN COMPLIANCE WITH THE CFE TREATY AND PRIORITIES FOR MODIFYING EXISTING ARMS CONTROL TREATIES. It is the sense of the Senate that—

(a) the failure by the Russian Federation to meet any obligation under the Treaty of the Conventional Armed Forces in Europe shall constitute non-compliance with the Treaty;

(b) the United States should insist on full compliance with the Russian Federation with all of the obligations of the Treaty on Conventional Armed Forces in Europe;

(c) the Treaty on Conventional Armed Forces in Europe provides adequate means by which the Russian Federation can meet its claimed military requirements for treaty-limited equipment in the flank zone defined by Article V of the Treaty, including movement of equipment within the flank zone, temporary deployment of additional equipment to the flank zone, and the temporary removal of equipment from designated permanent storage sites located in the flank zone; and

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KASSEBAUM AMENDMENT NO. 2767

Mr. MCCONNELL (for Mrs. KASSEBAUM) proposed an amendment to the bill H.R. 1868, supra, as follows:

On page 121, after line 24, add the following new section:

PLAN RECOMMENDING A STRATEGIC REORGANIZATION OF THE UNITED NATIONS

SEC. . (a) 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.

(b) UNITED NATIONS REORGANIZATION PLAN.—

(1) 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.

(2) REQUIREMENT RELATING TO DEVELOPMENT.—The President shall develop the plan in consultation with Congress.

(3) PLAN ELEMENTS.—The plan should include the elements described in subsection (c) and such other recommendations as may be necessary to achieve the efficient, cost-effective conduct of the responsibilities of the United Nations.

(c) CONTENTS OF REORGANIZATION PLAN.—It is the sense of the Congress that the reorganization plan required by subsection (b)(1) 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.

(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; and

(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.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, September 21, 1995, at 9:30 a.m. in open session, to consider the nomination of Gen. John M. Shalikashvili for reappointment as Chairman of the Joint Chiefs of Staff.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, September 21, 1995, for purposes of conducting a full committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this meeting is to consider pending calendar business.

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

COMMITTEE ON THE JUDICIARY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, September 21, 1995, at 10 a.m. in SD226.

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

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 21, 1995, at 2 p.m.

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

SUBCOMMITTEE ON INTERNATIONAL FINANCE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on International Finance of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, September 21, 1995, to conduct a hearing on the oversight of the Export Administration Act.

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

SUBCOMMITTEE ON TERRORISM, TECHNOLOGY AND GOVERNMENT INFORMATION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Technology and Government Information of the Senate Committee on the Judiciary, be authorized to meet during a session of the Senate on Thursday, September 21, 1995, at 2 p.m., in Senate Dirksen room G50, on Ruby Ridge incident.

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

ADDITIONAL STATEMENTS

ICC FUNDING AND RAILROAD MERGERS

• Mr. BOND. Mr. President, I rise today to discuss some concerns I have about the flurry of recent proposed mergers by certain rail carriers.

The Commerce, State, Justice appropriations bill that we will consider later, terminates funding for the Interstate Commerce Commission at the end of year. Downsizing the Federal Government and eliminating Federal agencies is a goal I certainly support and I have supported elimination of the ICC, but as of today, reorganization of the ICC's statutory responsibilities has not been done. I understand the Commerce Committee is preparing to report out legislation to accomplish this reorganization and I support that effort as I believe we must not eliminate the Commission without reassigning their most important regulatory responsibilities.

In the meantime, the Commission continues its mission. One responsibility they have that I wish to comment on today is their review of proposed railroad mergers.

In the past several months we have seen two huge railroad combinations. The Burlington Northern/Sante Fe merger has been approved and appears to be moving toward completion. Now recently, the Union Pacific/Southern Pacific merger has been proposed. Little thought seems to have been given to the impact that both these mergers will have on the continued availability of effective and efficient railroad transportation. For example, what effect will these exceptionally large combinations have on consumers, shippers, and communities as well as on the surviving competing railroads? Consider the

current critical rail transportation situation in the Midwest, as reported recently in the Journal of Commerce, where timely rail movement to market of grain, corn, and soybeans is seriously threatened. According to this article, which follows my remarks, because of a shortage of cars, freight rates are going up significantly.

What will be the impact of these megamergers on other railroads and their ability to provide a needed and competitive service? Take for example, a regional railroad such as Kansas City Southern Railroad Co., and I am sure there are others; will KCS survive as a reliable competitive line offering a needed service to thousands of shippers and hundreds of communities? If it and others like it do not survive as viable competitors, isn't it likely that the serious freight car shortage and escalating rate problems we're seeing, as reported by the Journal of Commerce, will become even more serious? And how about the consumers? Any such increased costs of necessity are passed on to them.

If all of this were not worrisome enough, the Union Pacific/Southern Pacific combination is being hurried through at a time when the only deliberative body charged with evaluating the ramifications of this sort of activity, the ICC, is threatened with legislative extinction. In the absence of the ICC, who is going to impartially assess the anticompetitive impact on the public of these mergers? Serious nationwide public policy issues are raised which must be addressed before the merger of the Union Pacific and Southern Pacific Railroads is consummated. It is not my intention to prejudge the legitimacy of this merger, but only to be certain that the public interest is not adversely threatened.

Mr. President, these megamergers pose very serious questions which must be answered by the players themselves or the agencies charged with maintaining an essential competitive transportation system.

Mr. President, I ask that the Journal of Commerce article referred to in the body of my statement appear in the RECORD at this point:

The article follows:

[From the Journal of Commerce, Sept. 13, 1995]

RAILS STRAIN TO SERVICE MIDWEST GRAIN HARVEST

(By Rip Watson)

The U.S. Midwest's rail network, normally no stranger to the crunch of the fall harvest, is beginning to strain this year under the weight of strong demand, tight car supply and skyrocketing prices.

Conditions are so tense in Iowa that farm trade associations will hold a Grain Transportation Summit on Thursday in Des Moines to vent their frustrations with some rail carriers, while seeking ways to ease the problem before soybean harvests begin in a few days.

"Grain is hot. Export demand is huge and will continue to be that way in the foreseeable future," said Jim Higgins, an analyst for Donaldson, Lufkin & Jenrette in New York.

As an industry, railroads boosted grain carloadings 23% in August from a year ago. Burlington Northern Railroad led the pack with a 28% increase, followed by Union Pacific Railroad at 19%.

That higher traffic volume is proving to be little comfort to Iowa shippers.

"We are sitting with most of our facilities full," said Dawn Carlson of the Iowa Institute for Cooperatives. "People are getting concerned. Every day that goes by is tacking on more and more charges and the farmer will get less and less for the grain delivered. If we don't get the grain moving, we'll have a lot of grain sitting on the ground."

Arthur Breenken, manager for the Farmers Co-Op Society in Wesley, Iowa, said, "The Soo Line is shipping cars but they are not supplying them fast enough." He said the problem was that much Iowa grain is moving to the Gulf of Mexico instead of the Mississippi River, which lengthens the round trip time to more than 30 days.

John Bromley, a spokesman for Union Pacific, blamed rail unions for not allowing UP employees to work in Iowa, where the railroad is short staffed. UP is hiring and training new workers now, he said.

Without those industrywide increases, the Association of American Railroads would have been 1% lower than last year.

"Our export projections are strong," said Brad Clow, director of transportation for Sparks Commodities in Memphis, Tenn. "In some commodities, shipments could outdo USDA forecasts."

With export demand strong and the corn and soybean harvests expected during the next several weeks, industry observers see no changes in the rate and car supply situation.

"We expect cars to remain tight until January or February," Mr. Clow said.

"It would surprise me if we didn't continue to have this shortage problem for a while," said Steve Strege, who directs the North Dakota Grain Dealers Association in Fargo. "We're just getting into the usual crunch time. I don't know if there is much precedent for us to have a problem at this time of year and have it relax at the time of corn and soybean harvest."

With shippers paying premiums of up to $500 a car to guarantee availability of covered hopper cars for grain shipments late in 1995, Mr. Strege said he believed rates will continue to climb.

"We have people willing to pay a hell of a premium for cars," one official said.

"These programs (for ordering cars in advance) give signals to the railroads that they should or can raise their rates," Mr. Strege said.

Other forces are influencing the 1995 grain shipping picture.

Operating under a strike threat last year, CP Rail System's Soo Line unit posted meager grain carloadings in August 1994 that were nearly quadrupled last month.

Barge freight markets are facing similar pressures, several industry observers said.

One factor affecting the barge markets is the continued strong northbound river movements of aluminum ore, steel and other products that have reduced availability of barges to haul grain, said Jerry Fruin, a transportation economist for the University of Minnesota in Minneapolis.

"Even with the recent fall in rates in the past week, we expect barge freight rates will continue to remain very strong as we move into harvest," Mr. Clow said.

The traffic picture is brightening for some other commodities but remains dim for manufactured goods.

Coal traffic could pick up this month, Mr. Higgins said, because of the hot summer and a resulting reduction in utility stockpiles that have to be replenished.

Export traffic is showing some cyclical strength driven by demand for some steam coals and metallurgical coal, he said.

August carloadings were 2% below last year.

"We're expecting a strong fourth quarter (for coal)," said Dave Rohall, director of planning for CSX Transportation.●

READY, FIRE, AIM

● Mr. D'AMATO. Mr. President, I rise today in support of the Affordable Housing Tax Credit [the Credit], which is the Federal Government's principal and most successful rental housing program. The Credit Program, however, is under attack and is threatened with termination. As part of budget reconciliation, the Ways and Means Committee has proposed to sunset the Credit at the end of 1997 pending a GAO review of the management of the program. Crafted this way and if accepted by the Senate, the proposal would greatly reduce private equity attracted to affordable housing through 1997, and if terminated after 1997, would halt the development or rehabilitation of affordable rental housing.

In essence, Ways and Means is adopting a "Ready, Fire, Aim Strategy." The committee proposes to eliminate the program before determining there is a problem. No hearings have been held and no study has been conducted. Shoot first and ask questions later.

Mr. President, I have written the chairman of the Finance committee, Senator ROTH, urging that the Committee not consider the Ways and Means proposal to sunset the Credit. Oversight of any Federal program is always appropriate, and the Credit should not be exempt. But a mandated sunset before review is just a budget gimmick to pick up revenues in the out years. Congress can always change the program if mismanagement is found, but only after hearings. Termination without review will drastically slow the flow of private capital to projects currently being planned. Action before study is rash. Budgetary needs should not dictate housing policy.

The Credit has enjoyed widespread bi-partisan support. Indeed, the program was originally sponsored by former Senator Mitchell and my colleague from New York, Congressman RANGEL, as part of the Tax Reform Act of 1986, and signed into law by President Reagan. In the Bush administration, Secretary of HUD, Jack Kemp, was the chief advocate of the Credit on behalf of the administration.

Under current law, the Credit is limited to $1.25 per capita per State and administered by the States on behalf of the Federal Government. Eligible affordable housing units are provided a

Federal tax credit each year for 10 years, though the units must remain affordable for at least 15 years—many States require 30 or more years of affordability. Investors provide equity to projects in exchange for the credits to facilitate the development of affordable units.

Based on the Nation's population of approximately 260 million, States are able to allocate approximately $325 million of credits from their 1995 per capita volume limitation. Although the credits are utilized each year for 10 years by investors, those investors provide equity upfront during the development process. At today's market pricing, the roughly $325 million of volume cap credits available in 1995 will result in approximately $1.85 billion of private capital invested in affordable rental housing.

This private equity translates into rental housing for families in need of affordable housing. According to the National Council of State Housing Agencies [NCSHA], since 1986 the Credit has assisted in the development of over 700,000 units rental housing. In 1994 alone, according to NCSHA, the Credit produced 114,000 new or rehabilitated units, spurred construction activity leading to 98,000 jobs, $3.1 billion of wages, and $1.5 billion in tax revenues.

According to the New York State Housing Finance Agency and the Division of Housing and Community Renewal, in 1994, over 6,100 units of rental housing were made possible because of the Credit in my home State. The production of these units resulted, directly, in an estimated $520 million of housing investment in the State. Of the 6,100 units, over 4,700 were for low-income families. Also, in 1994, New York participated in a national redistribution of unused credits from the prior year. As a result, $9 million in additional credits were allocated leading to $90 million of new housing production activity and 1,200 units of rental housing. The corresponding benefits to New York State's economy translated to gainful employment and badly needed stimulation of our business community.

This is why I have been contacted by my Governor, George Pataki, his commissioner of housing, Joseph Holland, and his housing finance agency president, Stephen Hunt, to oppose any curtailment of the Credit Program until careful study has determined a need for change. Additionally the City of New York has urged me to stand up to the House Ways and Means Committee's proposal. Without the Credit my State, and its biggest city, would be deprived of its most important rental housing production program.

The Credit was only made permanent in 1993. Prior to that the program would sunset and Congress would have to enact legislation to extend its authority. Since the permanent extension in 1993, the market has been flooded with equity; principally from major corporations otherwise not involved in affordable housing. The value of credits in the marketplace has dramatically increased as these companies compete for scarce credits awarded by States. The Ways and Means action will put a chill on this market driving down the amount of equity available for housing in 1996 and 1997. There is no assurance that the program would be extended after 1997. As a result, private equity available for affordable housing will dramatically drop because of political uncertainty and looming termination. This is unwarranted since no hearings or studies have shown problems with the Credit Program.

As chairman of the Banking Committee, with jurisdiction over housing and HUD, I am keenly aware of the dramatic decline in Federal appropriations for housing programs. Mr. President, I am also very sensitive to the difficulties with HUD managing large Federal spending programs to support affordable rental housing. I have talked at length with Secretary Cisneros about his HUD reinvention blueprint based on less regulation and bureaucracy. Federal spending programs managed by HUD are slow moving and filled with red tape. On the other hand, the Credit is allocated promptly and is not dominated by Byzantine Federal regulations and paperwork. If anything, Congress should and will move beyond the Secretary's blueprint. But we should not terminate a program and slow the flow of capital derived from the Credit, until hearings have determined a need for change.

Mr. President, I urge rejection of the proposed Ways and Means Committee action to sunset the Credit. As a member of the Finance Committee I will work assiduously to protect this important program.●

NATIONAL FUND FOR HEALTH RESEARCH ACT

● Mrs. BOXER. Mr. President, I rise as an original cosponsor of the Hatfield-Harkin bill. I wish to express my strong support for this legislature which provides additional resources for health research over and above those provided to the National Institutes of Health [NIH] in the annual appropriations process.

This legislation would create the National Fund for Health Research Act, financed by a tobacco tax, in the form of 25 cents per pack and an equivalent tax on other tobacco products. As a result of this act, annual revenue in excess of $4 billion would be raised to provide additional funds for medical research, which is an important, but often underfunded part of our health care system.

Investment in medical research yields benefits in countless ways: improvements in preventing disease, better methods of diagnosis and treatment, and breakthroughs that have led to cures and therapies for afflictions ranging from cancer to schizophrenia.

Improvements in public health depend on basic research to find answers to fundamental questions about disease processes. The most widely heralded medical triumphs—such as the discovery of antibiotics, the vaccine for polio, the identification of human immunodeficiency virus—reflect the vast body of fundamental knowledge accumulated through medical research.

In addition, medical research is the first line of prevention defense. Research has produced immunizations, a screening test to prevent the transmission of HIV through blood products and the finding that AZT can reduce by two-thirds the rate of HIV transmission from mother to infant. With rising health care costs, it is in our best interest to fund medical research to further both prevention and treatment of disease.

This legislation raises funds for research while protecting our children. Everyday more than 3,000 children become smokers and more than 1,000 of them will eventually die as a result of smoking. Raising tobacco taxes is a highly effective manner in which to reduce tobacco use by children. A 25 cent tax will discourage an estimated 1.3 million children and adults from smoking.

I urge my colleagues to recognize the importance of medical research to the American people and support the Hatfield-Harkin bill.●

NAFTA

● Mr. LEVIN. Mr. President, during the Senate debate over the North American Free-Trade Agreement I put together a brochure entitled "NAFTA MATH: It Doesn't Add Up." This brochure questioned the job creation claims of NAFTA proponents and showed those job claims to be a distortion of what would really happen under NAFTA.

In the brochure and during the NAFTA debate I pointed out that the job gain claims were based solely on expected increases in exports. These job creation claims totally ignored any potential and expected increase in imports from Mexico—which result in the loss of American jobs.

An op-ed published in Monday's New York Times confirms the worst of my fears. I will ask to have printed in the RECORD a September 11 New York Times op-ed by Bob Herbert which confirms the fact that NAFTA has not resulted in the increase in U.S. jobs promised by its supporters. In fact, it has resulted in the opposite.

Mr. Herbert writes about the findings of a Public Citizen study of U.S. jobs created under NAFTA. Public Citizen

looked at the job creation promises of dozens of companies that supported NAFTA. Mr. Herbert writes, "Public Citizen noted that every one of those companies has already 'laid off workers because of NAFTA.'" In addition, "Of the companies surveyed, 89 percent had failed to take any significant step toward fulfilling their promises of job creation or export expansion."

In addition, "There has been no meaningful job creation from NAFTA, which has been in effect for 20 months. But the U.S. Department of Labor, through its NAFTA Trade Adjustment Assistance Program, which was designed to help people thrown out of their jobs by NAFTA, has certified that 38,148 workers lost their jobs by mid-August. An additional 30,000 workers have filed for assistance under the program. It is expected that the true job loss under NAFTA will reach 1 million by the end of the year."

Finally, Mr. Herbert writes that although exports from the United States have increased to Mexico as NAFTA proponents predicted, as I feared, imports to the United States from Mexico increased even faster, especially for high value-added manufactures such as automobiles and other high-technology items.

Unfortunately, some of our fears about the implications of NAFTA were well founded. NAFTA's problems were evident even before the devaluation of the peso which hurt hopes for a growing consumer market in Mexico. With Mexico's current fiscal problems, these trends could well get worse.

I ask that the op-ed by Bob Herbert be printed in the RECORD.

The material follows:

[From the New York Times, Sept. 11, 1995]

NAFTA'S BUBBLE BURSTS

(By Bob Herbert)

Back in 1993, in a typical declaration of faith in the projected glories of the North American Free Trade Agreement, a vice president of the Mattel Corporation named Fermin Cuza assured a Congressional subcommittee that Nafta would result in the creation of new jobs at Mattel and have "a very positive effect" on the 2,000 men and women already employed by Mattel in the United States.

Mr. Cuza's was just one of many promises made during that season of devotion to free trade. The consumer group Public Citizen took a look back at them.

Let's start with Mattel. Not only have no jobs been created, but a check of Federal records by Public Citizen found that 520 workers at Mattel's Fisher-Price facility in Medina, N.Y., have been certified as laid off specifically because of "increased company imports from Mexico" that resulted from Nafta.

Public Citizen's Global Trade Watch unit surveyed the job creation promises of dozens of staunchly pro-Nafta corporations. They included, in addition to Mattel, Allied Signal, General Electric, Procter & Gamble, Scott Paper and Zenith.

In a report released last week, Public Citizen noted that every one of those companies has already "laid off workers because of Nafta."

Of the companies surveyed, 89 percent had failed to take any significant step toward fulfilling their promises of job creation or export expansion.

In November 1993, President Clinton asserted, "If this trade agreement passes—Nafta—we estimate America will add another 200,000 jobs by 1995 alone."

He was mistaken. There has been no meaningful job creation from Nafta, which has been in effect for 20 months. But the U.S. Department of Labor, through its Nafta Trade Adjustment Assistance program, which was designed to help people thrown out of their jobs by Nafta, has certified that 38,148 workers lost their jobs by mid-August. An additional 30,000 workers have filed for assistance under the program, which is not well known and not available to most workers who are at risk. It is expected that the true job loss under Nafta will reach one million by the end of the year.

It is fashionable now for Nafta supporters to blame the end-of-the-year peso crash for problems that were inherent in the trade agreement. During the first year of Nafta, before the big devaluation in December, the value of the peso relative to the dollar had already declined by nearly 15 percent. That wiped out any advantage the U.S. would have realized from Nafta's lower tariffs. The average tariff decline was just 10 percent. In other words, the "market access advantage" that the U.S. was supposed to enjoy had vanished before the peso crash.

Proponents of Nafta are quick to note that U.S. exports to Mexico increased during the first year of Nafta. True. But what they fail to mention is that imports to the U.S. from Mexico increased even faster, with automobiles and other high-technology items increasing twice as fast. We were well on our way to a trade deficit with Mexico (and the big job losses that would entail) before the crash of the peso.

Worse, much of the increase in exports to Mexico came from items that boomerang back to the U.S. in the form of imports—for example, component parts shipped to Mexico for assembly into finished goods and infrastructure equipment for use in the building of factories.

And then there's the small matter of the wages of American workers. In Nafta's first year, before the collapse of the peso, America's 77 million production workers endured a 3 percent drop in their real hourly wages—the steepest one-year decline ever recorded.

That, of course, was directly related to the overall expansion of the labor pool under Nafta, and the fact that the number of companies choosing to relocate to Mexico has, as expected, accelerated. The chilling effect of these developments on wage demands should be obvious.

The peso devaluation has dried up the consumer market in Mexico. That simply means that as bad a deal as Nafta was originally, Mexicans are now even less able to buy American goods.

But it was Nafta that put us on this highway to nowhere in the first place. The collapse of the peso just increased the speed.●

SUPPORT OF THE LOW-INCOME HOUSING CREDIT

● Mr. MOYNIHAN. Mr. President, I rise today to express my great dismay at a proposal passed this week by the House Ways and Means Committee to repeal the low-income housing tax credit.

The housing credit is the Federal Government's principal and most successful affordable housing program. The Enterprise Foundation estimates that the housing credit is responsible for almost all of the new private construction of housing units for lower income renters, and that almost 800,000 units of rental housing for lower income working families and the elderly have been constructed or rehabilitated as a result of the housing credit. They also report that the 106,000 affordable housing units generated with the housing credit in 1993 resulted in the creation of approximately 90,000 jobs, $2.8 billion in wages, and $1.3 billion in additional tax revenues.

I have visited many of the projects in New York that have been made possible by the housing credit, and I can assure you the credit is having a dramatic effect on the availability of good, affordable housing. Yet now some of our colleagues in the House would repeal it. I do not understand what their reasoning is.

The House Ways and Means Committee proposal would sunset the credit at the end of 1997. The committee acted without holding any hearings to review the housing credit. And while the committee calls on the Government Accounting Office to review the management and operation of the housing credit, it acts nonetheless.

The housing credit was devised by the Senate Finance Committee during consideration of the Tax Reform Act of 1986, and was signed into law by President Reagan. It has enjoyed solid bipartisan support for nearly a decade.

I was pleased in 1993, as Chairman of the Senate Finance Committee, to bring legislation before the Senate which permanently extended the housing credit. That legislation was enacted as the Omnibus Budget Reconciliation Act of 1993. We were able to permanently extend the housing credit in a bill which produced the largest amount of deficit reduction in this country's history. The Office of Management and Budget estimates that the direct and indirect effects of the bill were to reduce the baseline deficit by a cumulative amount of one trillion dollars. In sum, while making a very significant attack on the deficit, we were still able to find the resources for this important national priority. And yet just 2 years later we see an effort to repeal it. This is an odd development, indeed, and I urge my colleagues to join me in opposing it.●

UNANIMOUS-CONSENT AGREEMENTS

Mr. BENNETT. Mr. President, I ask unanimous consent that at 9:30 a.m. on Friday the Senate proceed to the conference report to accompany H.R. 1817, the military construction appropriations bill, and it be considered under the following time agreement: 20 minutes equally divided between Senators

BURNS and REID, or their designee; 10 minutes under the control of Senator BINGAMAN; and, 20 minutes under the control of Senator MCCAIN.

I further ask that, following the conclusion or yielding back of time, the Senate proceed to a vote on the adoption of the conference report.

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

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate considers the conference report to accompany H.R. 1854, the legislative appropriations bill, that it be considered under the following time agreement: 30 minutes to be equally divided between Senators MACK and MURRAY; and 10 minutes under the control of Senator SIMON.

I further ask that, following the conclusion or yielding back of time, the Senate proceed to vote on the adoption of the conference report.

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

Mr. BENNETT. Mr. President, I ask unanimous consent that, immediately following the disposition of the military construction appropriations conference report on Friday, the Senate proceed to Calendar No. 188, S. 1244, the District of Columbia appropriations bill.

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

MERCURY-CONTAINING BATTERY MANAGEMENT

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 1882, S. 619.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 619) to phase out the use of mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and certain other batteries, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public works, with amendments, as follows:

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

S. 619

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mercury-Containing and Rechargeable Battery Management Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) it is in the public interest to—

(A) phase out the use of mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and other regulated batteries; and

(B) educate the public concerning the collection, recycling, and proper disposal of such batteries;

(2) uniform national labeling requirements for regulated batteries, rechargeable consumer products, and product packaging will significantly benefit programs for regulated battery collection and recycling or proper disposal; and

(3) it is in the public interest to encourage persons who use rechargeable batteries to participate in collection for recycling of used nickel-cadmium, small sealed lead-acid, and other regulated batteries.

SEC. 3. DEFINITIONS.

[In**]** *For purposes of* this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) BUTTON CELL.—The term "button cell" means a button- or coin-shaped battery.

(3) EASILY REMOVABLE.—The term "easily removable", with respect to a battery, means detachable or removable at the end of the life of the battery—

(A) from a consumer product by a consumer with the use of common household tools; or

(B) by a retailer of replacements for a battery used as the principal electrical power source for a vehicle.

(4) MERCURIC-OXIDE BATTERY.—The term "mercuric-oxide battery" means a battery that uses a mercuric-oxide electrode.

(5) RECHARGEABLE BATTERY.—The term "rechargeable battery"—

(A) means 1 or more voltaic or galvanic cells, electrically connected to produce electric energy, that is designed to be recharged for repeated uses; and

(B) includes any type of enclosed device or sealed container consisting of 1 or more such cells, including what is commonly called a battery pack (and in the case of a battery pack, for the purposes of the requirements of easy removability and labeling under section 103, means the battery pack as a whole rather than each component individually); but

(C) does not include—

(i) a lead-acid battery used to start an internal combustion engine or as the principal electrical power source for a vehicle, such as an automobile, a truck, construction equipment, a motorcycle, a garden tractor, a golf cart, a wheelchair, or a boat;

(ii) a lead-acid battery used for load leveling or for storage of electricity generated by an alternative energy source, such as a solar cell or wind-driven generator;

(iii) a battery used as a backup power source for memory or program instruction storage, timekeeping, or any similar purpose that requires uninterrupted electrical power in order to function if the primary energy supply fails or fluctuates momentarily; or

(iv) a rechargeable alkaline battery.

(6) RECHARGEABLE CONSUMER PRODUCT.—The term "rechargeable consumer product"—

(A) means a product that, when sold at retail, includes a regulated battery as a primary energy supply, and that is primarily intended for personal or household use; but

(B) does not include a product that only uses a battery solely as a source of backup power for memory or program instruction storage, timekeeping, or any similar purpose that requires uninterrupted electrical power in order to function if the primary energy supply fails or fluctuates momentarily.

(7) REGULATED BATTERY.—The term "regulated battery" means a rechargeable battery that—

(A) contains a cadmium or a lead electrode or any combination of cadmium and lead electrodes; or

(B) contains other electrode chemistries and is the subject of a determination by the Administrator under section 103(d).

(8) REMANUFACTURED PRODUCT.—The term "remanufactured product" means a rechargeable consumer product that has been altered by the replacement of parts, repackaged, or repaired after initial sale by the original manufacturer.

SEC. 4. INFORMATION DISSEMINATION.

The Administrator shall, in consultation with representatives of rechargeable battery manufacturers, rechargeable consumer product manufacturers, and retailers, establish a program to provide information to the public concerning the proper handling and disposal of used regulated batteries and rechargeable consumer products with nonremovable batteries.

SEC. 5. ENFORCEMENT.

(a) CIVIL PENALTY.—When on the basis of any information the Administrator determines that a person has violated or is in violation of any requirement of this Act, the Administrator—

(1) in the case of a willful violation, may issue an order assessing a civil penalty of not more than $10,000 for each violation and requiring compliance immediately or within a reasonable specified time period, or both; or

(2) in the case of any violation, may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

(b) CONTENTS OF ORDER.—An order under subsection (a)(1) shall state with reasonable specificity the nature of the violation.

(c) CONSIDERATIONS.—In assessing a civil penalty under subsection (a)(1), the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

(d) FINALITY OF ORDER; REQUEST FOR HEARING.—An order under subsection (a)(1) shall become final unless, not later than 30 days after the order is served, a person named in the order requests a hearing on the record.

(e) HEARING.—On receiving a request under subsection (d), the Administrator shall promptly conduct a hearing on the record.

(f) SUBPOENA POWER.—In connection with any hearing on the record under this section, the Administrator may issue subpoenas for the attendance and testimony of witnesses and for the production of relevant papers, books, and documents.

(g) CONTINUED VIOLATION AFTER EXPIRATION OF PERIOD FOR COMPLIANCE.—If a violator fails to take corrective action within the time specified in an order under subsection (a)(1), the Administrator may assess a civil penalty of not more than $10,000 for the continued noncompliance with the order.

(h) SAVINGS PROVISIONS.—The Administrator may not take any enforcement action against a person for selling, offering for sale, or offering for promotional purposes to the final consumer a battery or product governed by this Act that was—

(1) purchased ready for final sale; and

(2) sold, offered for sale, or offered for promotional purposes without modification.

SEC. 6. INFORMATION GATHERING AND ACCESS.

(a) RECORDS AND REPORTS.—A person who is required to carry out the objectives of this Act, including—

(1) a regulated battery manufacturer;

(2) a rechargeable consumer product manufacturer;

(3) a mercury-containing battery manufacturer; and

(4) an authorized agent of a person described in [subparagraph (A), (B), or (C)] *paragraph (1), (2), or (3),*

shall establish and maintain such records and report such information as the Administrator may by regulation reasonably require to carry out the objectives of this Act.

(b) ACCESS AND COPYING.—The Administrator or the Administrator's authorized representative, on presentation of credentials of the Administrator, may at reasonable times have access to and copy any records required to be maintained under subsection (a).

(c) CONFIDENTIALITY.—The Administrator shall maintain the confidentiality of documents and records that contain proprietary information.

SEC. 7. STATE AUTHORITY.

Except as provided in sections 103(e) and 104, nothing in this Act shall be construed to prohibit a State from enacting and enforcing a standard or requirement that is more stringent than a standard or requirement established or promulgated under this Act.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

TITLE I—RECHARGEABLE BATTERY RECYCLING ACT

SEC. 101. SHORT TITLE.

This title may be cited as the "Rechargeable Battery Recycling Act".

SEC. 102. PURPOSE.

The purpose of this title is to facilitate the efficient recycling or proper disposal of used nickel-cadmium rechargeable batteries, used small sealed lead-acid rechargeable batteries, other regulated batteries, and such rechargeable batteries in used consumer products, by—

(1) providing for uniform labeling requirements and streamlined regulatory requirements for regulated battery collection programs; and

(2) encouraging voluntary industry programs by eliminating barriers to funding the collection and recycling or proper disposal of used rechargeable batteries.

SEC. 103. RECHARGEABLE CONSUMER PRODUCTS AND LABELING.

(a) PROHIBITION.—

(1) IN GENERAL.—No person shall sell for use in the United States a regulated battery that is ready for retail sale or a rechargeable consumer product that is ready for retail sale, [which] *if the battery or product* was manufactured on or after the date that is 12 months after the date of enactment of this Act[, unless—

[(A) in the case of a regulated battery, the regulated battery—

[(i) is easily removable from the rechargeable consumer product; or

[(ii) is sold separately; and

[(B) in the case of a regulated battery or rechargeable consumer product, the labeling requirements of subsection (b) are met.]

unless the labeling requirements of subsection (b) are met and, in the case of a regulated battery, the regulated battery—

(A) is easily removable from the rechargeable consumer product; or

(B) is sold separately.

(2) APPLICATION.—Paragraph (1) does not apply to [a sale of] *any of the following:*

(A) *The sale of* a remanufactured product unit unless paragraph (1) applied to the sale of the unit when originally manufactured[; or].

(B) *The sale of* a product unit intended for export purposes only.

(b) LABELING.—Each regulated battery or rechargeable consumer product without an easily removable battery manufactured on or after the date that is 1 year after the date of enactment of this Act, whether produced domestically or imported, shall [be labeled with—] *bear the following labels:*

(1)[(A)] 3 chasing arrows or a comparable recycling symbol[;].

[(B)(i) on each nickel-cadmium battery, the chemical name or the abbreviation "Ni-Cd"; and

[(ii) on each lead-acid battery, "Pb" or the words "LEAD", "RETURN", and "RECYCLE";

[(C) on each nickel-cadmium regulated battery, the phrase "BATTERY MUST BE RECYCLED OR DISPOSED OF PROPERLY."; and

[(D) on each sealed lead acid regulated battery, the phrase "BATTERY MUST BE RECYCLED.";]

(2)(A) On each regulated battery that is a nickel-cadmium battery, the chemical name or the abbreviation "Ni-Cd" and the phrase "BATTERY MUST BE RECYCLED OR DISPOSED OF PROPERLY.".

(B) On each regulated battery that is a lead-acid batters, "Pb" or the words "LEAD", "RETURN", and "RECYCLE" and if the regulated battery is sealed, the phrase "BATTERY MUST BE RECYCLED.".

[(2) on] *(3) On* each rechargeable consumer product containing a regulated battery that is not easily removable, the phrase "CONTAINS NICKEL-CADMIUM BATTERY. BATTERY MUST BE RECYCLED OR DISPOSED OF PROPERLY." or "CONTAINS SEALED LEAD BATTERY. BATTERY MUST BE RECYCLED.", as applicable[; and].

[(3) on] *(4) On* the packaging of each rechargeable consumer product, and the packaging of each regulated battery sold separately from such a product, unless the required label is clearly visible through the packaging, the phrase "CONTAINS NICKEL-CADMIUM BATTERY. BATTERY MUST BE RECYCLED OR DISPOSED OF PROPERLY." or "CONTAINS SEALED LEAD BATTERY. BATTERY MUST BE RECYCLED.", as applicable.

(c) EXISTING OR ALTERNATIVE LABELING.—

(1) INITIAL PERIOD.—For a period of 2 years after the date of enactment of this Act, regulated batteries, rechargeable consumer products containing regulated batteries, and rechargeable consumer product packages that are labeled in substantial compliance with subsection (b) shall be deemed to comply with the labeling requirements of subsection (b).

(2) CERTIFICATION.—

(A) IN GENERAL.—On application by persons subject to the labeling requirements of subsection (b) or the labeling requirements promulgated by the Administrator under subsection (d), the Administrator shall certify that a different label meets the requirements of subsection (b) or (d), respectively, if the different label—

(i) conveys the same information as the label required under subsection (b) or (d), respectively; or

(ii) conforms with a recognized international standard that is consistent with the overall purposes of this title.

(B) CONSTRUCTIVE CERTIFICATION.—Failure of the Administrator to object to an application under subparagraph (A) on the ground that a different label does not meet either of the conditions described in subparagraph (A) (i) or (ii) within 120 days after the date on which the application is made shall constitute certification for the purposes of this Act.

(d) RULEMAKING AUTHORITY OF THE ADMINISTRATOR.—

(1) IN GENERAL.—If the Administrator determines that other rechargeable batteries having electrode chemistries different from regulated batteries are toxic and may cause substantial harm to human health and the environment if discarded into the solid waste stream for land disposal or incineration, the Administrator may, with the advice and counsel of State regulatory authorities and manufacturers of rechargeable batteries and rechargeable consumer products, and after public comment—

(A) promulgate labeling requirements for the batteries with different electrode chemistries, rechargeable consumer products containing such batteries that are not easily removable batteries, and packaging for the batteries and products; and

(B) promulgate requirements for easy removability of regulated batteries from rechargeable consumer products designed to contain such batteries.

(2) SUBSTANTIAL SIMILARITY.—The regulations promulgated under paragraph (1) shall be substantially similar to the requirements set forth in subsections (a) and (b).

(e) UNIFORMITY.—After the effective dates of a requirement set forth in subsection (a), (b), or (c) or a regulation promulgated by the Administrator under subsection (d), no Federal agency, State, or political subdivision of a State may enforce any easy removability or environmental labeling requirement for a rechargeable battery or rechargeable consumer product that is not identical to the requirement or regulation.

(f) EXEMPTIONS.—

(1) IN GENERAL.—With respect to any rechargeable consumer product, any person may submit an application to the Administrator for an exemption from the requirements of subsection (a) in accordance with the procedures under paragraph (2). The application shall include the following information:

(A) A statement of the specific basis for the request for the exemption.

(B) The name, business address, and telephone number of the applicant.

(2) GRANTING OF EXEMPTION.—Not later than 60 days after receipt of an application under paragraph (1), the Administrator shall approve or deny the application. On approval of the application the Administrator shall grant an exemption to the applicant. The exemption shall be issued for a period of time that the Administrator determines to be appropriate, except that the period shall not exceed 2 years. The Administrator shall grant an exemption on the basis of evidence supplied to the Administrator that the manufacturer has been unable to commence manufacturing the rechargeable consumer product in compliance with the requirements of this section and with an equivalent level of product performance without the product—

(A) posing a threat to human health, safety, or the environment; or

(B) violating requirements for approvals from governmental agencies or widely recognized private standard-setting organizations (including Underwriters Laboratories).

(3) RENEWAL OF EXEMPTION.—A person granted an exemption under paragraph (2)

may apply for a renewal of the exemption in accordance with the requirements and procedures described in paragraphs (1) and (2). The Administrator may grant a renewal of such an exemption for a period of not more than 2 years after the date of the granting of the renewal.

SEC. 104. REQUIREMENTS.

For the purposes of carrying out the collection, storage, transportation, and recycling or proper disposal of used rechargeable batteries, batteries described in section [3(3)(C)] *3(5)(C)* or in title II, and used rechargeable consumer products containing rechargeable batteries that are not easily removable rechargeable batteries, persons involved in collecting, storing, or transporting such batteries or products to a facility for recycling or proper disposal shall, notwithstanding any other law, be regulated in the same manner and with the same limitations as if the persons were collecting, storing, or transporting [batteries subject to subpart G of part 266 of title 40, Code of Federal Regulations, as in effect on January 1, 1993, except that sections 264.76, 265.76, and 268.7 of that title shall not apply] *spent lead acid batteries that are recyclable materials subject to regulations of the Environmental Protection Agency under subpart G of part 266 of title 40, Code of Federal Regulations, as in effect on January 1, 1995, except that the requirements of title 40 relating to unmanifested waste reports (40 CFR 264.76 and 265.76) and to waste analysis and recordkeeping (40 CFR 268.7) shall not apply.*

SEC. 105. COOPERATIVE EFFORTS.

Notwithstanding any other law, if 2 or more persons who participate in projects or programs to collect and properly manage used rechargeable batteries or products powered by rechargeable batteries advise the Administrator of their intent, the persons may agree to develop jointly, or to share in the costs of participating in, such a project or program and to examine and rely on such cost information as is collected during the project or program.

TITLE II—MERCURY-CONTAINING BATTERY MANAGEMENT ACT

SEC. 201. SHORT TITLE.

This title may be cited as the "Mercury-Containing Battery Management Act".

SEC. 202. PURPOSE.

The purpose of this title is to phase out the use of batteries containing mercury.

SEC. 203. LIMITATIONS ON THE SALE OF ALKALINE-MANGANESE BATTERIES CONTAINING MERCURY.

No person shall sell, offer for sale, or offer for promotional purposes any alkaline-manganese battery manufactured on or after January 1, 1996, with a mercury content that was intentionally introduced (as distinguished from mercury that may be incidentally present in other materials), except that the limitation on mercury content in alkaline-manganese button cells shall be 25 milligrams of mercury per button cell.

SEC. 204. LIMITATIONS ON THE SALE OF ZINC-CARBON BATTERIES CONTAINING MERCURY.

No person shall sell, offer for sale, or offer for promotional purposes any zinc-carbon battery manufactured on or after January 1, 1996, that contains mercury that was intentionally introduced as described in section 203.

SEC. 205. LIMITATIONS ON THE SALE OF BUTTON CELL MERCURIC-OXIDE BATTERIES.

No person shall sell, offer for sale, or offer for promotional purposes any button cell mercuric-oxide battery for use in the United States on or after January 1, 1996.

SEC. 206. LIMITATIONS ON THE SALE OF OTHER MERCURIC-OXIDE BATTERIES.

(a) PROHIBITION.—On or after January 1, 1996, no person shall sell, offer for sale, or offer for promotional purposes a mercuric-oxide battery for use in the United States unless the battery manufacturer—

(1) identifies a collection site that has all required Federal, State, and local government approvals, to which persons may send used mercuric-oxide batteries for recycling or proper disposal;

(2) informs each of its purchasers of mercuric-oxide batteries of the collection site identified under paragraph (1); and

(3) informs each of its purchasers of mercuric-oxide batteries of a telephone number that the purchaser may call to get information about sending mercuric-oxide batteries for recycling or proper disposal.

(b) APPLICATION OF SECTION.—This section does not apply to a sale or offer of a mercuric-oxide button cell battery.

SEC. 207. NEW PRODUCT OR USE.

On petition of a person that proposes a new use for a battery technology described in this title or the use of a battery described in this title in a new product, the Administrator may exempt from this title the new use of the technology or *the* use of *such a* battery in the new product on the condition, if appropriate, that there exist reasonable safeguards to ensure that the resulting battery or product without an easily removable battery will not be disposed of in an incinerator, composting facility, or landfill (other than a facility regulated under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6291 et seq.)*)*

Mr. SMITH. Mr. President, today the Senate is considering S. 619, the Mercury-Containing and Rechargeable Battery Management Act. I introduced this measure on March 24, 1995, along with Senators LAUTENBERG, FAIRCLOTH, MCCONNELL, LIEBERMAN, SIMON, MACK, BOND, GRAHAM, WARNER, and REID as original cosponsors. In addition, Senator INHOFE and Senator SNOWE cosponsored the bill following its introduction. This legislation is urgently needed to remove Federal barriers detrimental to much-needed State and local recycling programs for batteries commonly found in cordless products such as portable telephones, laptop computers, tools, and toys. In order to respond to this urgent need, the Senate Committee on Environment and Public Works reported S. 619 out of the committee, by voice vote, on August 2, 1995.

Since 1992, Federal battery legislation has been approved in various congressional forums, including full Senate passage in 1994, but it did not become law because the legislation that it was attached to did not move forward. S. 619 which is virtually identical to the Senate passed provisions last year, would: First, facilitate the efficient and cost effective collection and recycling or proper disposal of used nickel cadmium [Ni-Cd] and certain other batteries by: (a) Establishing a coherent national system of labeling for batteries and products; (b) streamlining the regulatory requirements for battery collection programs for regulated batteries; and (c) encouraging voluntary industry programs by eliminating barriers to funding the collection and recycling or proper disposal of used rechargeable batteries; and second, phase out the use of mercury in batteries.

I am pleased to report that the U.S. Conference of Mayors, at its June meeting, passed a resolution in support of S. 619. As the resolution recognized, passage of this legislation will decrease the quantities of mercury and cadmium contributed to the environment by dry cell batteries. In addition, S. 619 will facilitate implementation of State battery laws in the 13 States that have enacted such provisions. These States are New Hampshire, Rhode Island, New Jersey, California, Connecticut, Florida, New York, Iowa, Oregon, Maine, Vermont, Minnesota, and Maryland. The bill also will assist all other States in moving forward with an industry financed and developed national battery collection program.

Mr. President, although industry has developed a national collection program to comply with these laws, without enactment of a Federal bill, EPA's current regulatory requirements preclude industry from fully implementing this program and from complying with the State collection requirements. Regulatory changes currently under consideration, even if promulgated, will not provide the necessary solution. Additional lengthy rulemaking procedures would also be necessary to make the regulation operational on a national basis. Further, we would still lack a coherent national system of labeling, which is necessary to facilitate nationwide marketing of batteries and products while advancing a national battery collection program. Federal legislation is the only real solution to removing the barriers to complying with State battery recycling laws, and to achieving a comprehensive recycling program.

The prompt passage of this bipartisan legislation will achieve a number of important goals. First, by establishing uniform national standards to promote the recycling and reuse of rechargeable batteries, this legislation provides a cost effective means to promote the reuse of our Nation's resources. Second, our bill will further strengthen efforts to remove these potentially toxic heavy metals from our Nation's landfills and incinerators. Not only will this lower the threat of groundwater contamination and toxic air emissions, but it will also significantly reduce the threat that these materials pose to the environment. Third, this legislation represents an environmentally friendly policy choice that was developed as the result of a strong cooperative effort between the States, environmental groups and the affected industries. Our bill is strongly supported by the Electronic Industries

Association [EIA], the Portable Rechargeable Battery Association [PRBA], and the National Electrical Manufacturers Association [NEMA]. For all of the reasons cited above, I believe that this legislation provides a substantial win-win from both an environmental as well as an economic standpoint.

Mr. President, I believe this bill represents a significant and positive step in removing potentially toxic heavy metals from our Nation's solid waste stream, and I urge its immediate adoption.

Mr. LAUTENBERG. Mr. President, I rise to join Senator CHAFEE and Senator SMITH in supporting S. 619, the Mercury-Containing and Rechargeable Battery Management Act.

The bill is based on the bipartisan bill that I sponsored with Senators FAIRCLOTH, LIEBERMAN, REID and GRAHAM during the last Congress.

Mr. President, this legislation is an important step in our efforts to control the amount of toxic wastes entering the waste stream. Specifically it deals with mercury, cadmium and lead which are contained in some battery casing. These materials pose no risk while a battery is in use. But they can be a significant concern when discarded in our solid waste stream.

Cadmium, which is used in the electrodes of rechargeable nickel-cadmium batteries, can cause kidney and liver damage.

Mercury exposure can cause significant damage to the nervous system and kidneys. It has also been linked to decreased motor functions and muscle reflexes, memory loss, headaches and brain function disorders. And when mercury enters the aquatic environment, it can form methyl mercury, which is extremely toxic to both humans and wildlife.

Although dry cell batteries account for less than one tenth of 1 percent of the 180 billion tons of garbage we generate each year, dry cell batteries have been significant sources of mercury, cadmium, and lead in our waste stream.

According to a New York State report, mercury batteries accounted for 85 percent of the mercury, and rechargeable batteries accounted for 68 percent of the cadmium, in New York's solid waste.

In landfills, dry cell batteries can break down to release their toxic contents and contaminate our waters. In incinerators, the combustion of dry cell batteries containing toxic metals leads to elevated toxic air emissions, and has increased the concentrations of toxic metals in the resulting fly and bottom ash.

This bill, by limiting the amount of toxics used in primary batteries and creating a recycling program for rechargeable nickel cadmium, will remove a significant source of toxics from our landfills.

Besides widespread bipartisan support, this bill is supported by the Portable Rechargeable Battery Association, and the National Electrical Manufacturers Association. I urge speedy approval of this measure.

Mr. BENNETT. I ask unanimous consent that the committee amendments be adopted, the bill then be 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.

So the bill (S. 619) was deemed to have been read three times and passed.

S. 619

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mercury-Containing and Rechargeable Battery Management Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) it is in the public interest to—

(A) phase out the use of mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and other regulated batteries; and

(B) educate the public concerning the collection, recycling, and proper disposal of such batteries;

(2) uniform national labeling requirements for regulated batteries, rechargeable consumer products, and product packaging will significantly benefit programs for regulated battery collection and recycling or proper disposal; and

(3) it is in the public interest to encourage persons who use rechargeable batteries to participate in collection for recycling of used nickel-cadmium, small sealed lead-acid, and other regulated batteries.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) BUTTON CELL.—The term "button cell" means a button- or coin-shaped battery.

(3) EASILY REMOVABLE.—The term "easily removable", with respect to a battery, means detachable or removable at the end of the life of the battery—

(A) from a consumer product by a consumer with the use of common household tools; or

(B) by a retailer of replacements for a battery used as the principal electrical power source for a vehicle.

(4) MERCURIC-OXIDE BATTERY.—The term "mercuric-oxide battery" means a battery that uses a mercuric-oxide electrode.

(5) RECHARGEABLE BATTERY.—The term "rechargeable battery"—

(A) means 1 or more voltaic or galvanic cells, electrically connected to produce electric energy, that is designed to be recharged for repeated uses; and

(B) includes any type of enclosed device or sealed container consisting of 1 or more such cells, including what is commonly called a battery pack (and in the case of a battery pack, for the purposes of the requirements of easy removability and labeling under section 103, means the battery pack as a whole rather than each component individually); but

(C) does not include—

(i) a lead-acid battery used to start an internal combustion engine or as the principal electrical power source for a vehicle, such as an automobile, a truck, construction equipment, a motorcycle, a garden tractor, a golf cart, a wheelchair, or a boat;

(ii) a lead-acid battery used for load leveling or for storage of electricity generated by an alternative energy source, such as a solar cell or wind-driven generator;

(iii) a battery used as a backup power source for memory or program instruction storage, timekeeping, or any similar purpose that requires uninterrupted electrical power in order to function if the primary energy supply fails or fluctuates momentarily; or

(iv) a rechargeable alkaline battery.

(6) RECHARGEABLE CONSUMER PRODUCT.—The term "rechargeable consumer product"—

(A) means a product that, when sold at retail, includes a regulated battery as a primary energy supply, and that is primarily intended for personal or household use; but

(B) does not include a product that only uses a battery solely as a source of backup power for memory or program instruction storage, timekeeping, or any similar purpose that requires uninterrupted electrical power in order to function if the primary energy supply fails or fluctuates momentarily.

(7) REGULATED BATTERY.—The term "regulated battery" means a rechargeable battery that—

(A) contains a cadmium or a lead electrode or any combination of cadmium and lead electrodes; or

(B) contains other electrode chemistries and is the subject of a determination by the Administrator under section 103(d).

(8) REMANUFACTURED PRODUCT.—The term "remanufactured product" means a rechargeable consumer product that has been altered by the replacement of parts, repackaged, or repaired after initial sale by the original manufacturer.

SEC. 4. INFORMATION DISSEMINATION.

The Administrator shall, in consultation with representatives of rechargeable battery manufacturers, rechargeable consumer product manufacturers, and retailers, establish a program to provide information to the public concerning the proper handling and disposal of used regulated batteries and rechargeable consumer products with nonremovable batteries.

SEC. 5. ENFORCEMENT.

(a) CIVIL PENALTY.—When on the basis of any information the Administrator determines that a person has violated or is in violation of any requirement of this Act, the Administrator—

(1) in the case of a willful violation, may issue an order assessing a civil penalty of not more than $10,000 for each violation and requiring compliance immediately or within a reasonable specified time period, or both; or

(2) in the case of any violation, may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

(b) CONTENTS OF ORDER.—An order under subsection (a)(1) shall state with reasonable specificity the nature of the violation.

(c) CONSIDERATIONS.—In assessing a civil penalty under subsection (a)(1), the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

(d) FINALITY OF ORDER; REQUEST FOR HEARING.—An order under subsection (a)(1) shall become final unless, not later than 30 days after the order is served, a person named in the order requests a hearing on the record.

(e) HEARING.—On receiving a request under subsection (d), the Administrator shall promptly conduct a hearing on the record.

(f) SUBPOENA POWER.—In connection with any hearing on the record under this section, the Administrator may issue subpoenas for the attendance and testimony of witnesses and for the production of relevant papers, books, and documents.

(g) CONTINUED VIOLATION AFTER EXPIRATION OF PERIOD FOR COMPLIANCE.—If a violator fails to take corrective action within the time specified in an order under subsection (a)(1), the Administrator may assess a civil penalty of not more than $10,000 for the continued noncompliance with the order.

(h) SAVINGS PROVISIONS.—The Administrator may not take any enforcement action against a person for selling, offering for sale, or offering for promotional purposes to the final consumer a battery or product governed by this Act that was—

(1) purchased ready for final sale; and

(2) sold, offered for sale, or offered for promotional purposes without modification.

SEC. 6. INFORMATION GATHERING AND ACCESS.

(a) RECORDS AND REPORTS.—A person who is required to carry out the objectives of this Act, including—

(1) a regulated battery manufacturer;

(2) a rechargeable consumer product manufacturer;

(3) a mercury-containing battery manufacturer; and

(4) an authorized agent of a person described in paragraph (1), (2), or (3),

shall establish and maintain such records and report such information as the Administrator may by regulation reasonably require to carry out the objectives of this Act.

(b) ACCESS AND COPYING.—The Administrator or the Administrator's authorized representative, on presentation of credentials of the Administrator, may at reasonable times have access to and copy any records required to be maintained under subsection (a).

(c) CONFIDENTIALITY.—The Administrator shall maintain the confidentiality of documents and records that contain proprietary information.

SEC. 7. STATE AUTHORITY.

Except as provided in sections 103(e) and 104, nothing in this Act shall be construed to prohibit a State from enacting and enforcing a standard or requirement that is more stringent than a standard or requirement established or promulgated under this Act.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

TITLE I—RECHARGEABLE BATTERY RECYCLING ACT

SEC. 101. SHORT TITLE.

This title may be cited as the "Rechargeable Battery Recycling Act".

SEC. 102. PURPOSE.

The purpose of this title is to facilitate the efficient recycling or proper disposal of used nickel-cadmium rechargeable batteries, used small sealed lead-acid rechargeable batteries, other regulated batteries, and such rechargeable batteries in used consumer products, by—

(1) providing for uniform labeling requirements and streamlined regulatory requirements for regulated battery collection programs; and

(2) encouraging voluntary industry programs by eliminating barriers to funding the collection and recycling or proper disposal of used rechargeable batteries.

SEC. 103. RECHARGEABLE CONSUMER PRODUCTS AND LABELING.

(a) PROHIBITION.—

(1) IN GENERAL.—No person shall sell for use in the United States a regulated battery that is ready for retail sale or a rechargeable consumer product that is ready for retail sale, if the battery or product was manufactured on or after the date that is 12 months after the date of enactment of this Act, unless the labeling requirements of subsection (b) are met and, in the case of a regulated battery, the regulated battery—

(A) is easily removable from the rechargeable consumer product; or

(B) is sold separately.

(2) APPLICATION.—Paragraph (1) does not apply to any of the following:

(A) The sale of a remanufactured product unit unless paragraph (1) applied to the sale of the unit when originally manufactured.

(B) The sale of a product unit intended for export purposes only.

(b) LABELING.—Each regulated battery or rechargeable consumer product without an easily removable battery manufactured on or after the date that is 1 year after the date of enactment of this Act, whether produced domestically or imported, shall bear the following labels:

(1) 3 chasing arrows or a comparable recycling symbol.

(2)(A) On each regulated battery that is a nickel-cadmium battery, the chemical name or the abbreviation "Ni-Cd" and the phrase "BATTERY MUST BE RECYCLED OR DISPOSED OF PROPERLY.".

(B) On each regulated battery that is a lead-acid batteries, "Pb" or the words "LEAD", "RETURN", and "RECYCLE" and if the regulated battery is sealed, the phrase "BATTERY MUST BE RECYCLED.".

(3) On each rechargeable consumer product containing a regulated battery that is not easily removable, the phrase "CONTAINS NICKEL-CADMIUM BATTERY. BATTERY MUST BE RECYCLED OR DISPOSED OF PROPERLY." or "CONTAINS SEALED LEAD BATTERY. BATTERY MUST BE RECYCLED.", as applicable.

(4) On the packaging of each rechargeable consumer product, and the packaging of each regulated battery sold separately from such a product, unless the required label is clearly visible through the packaging, the phrase "CONTAINS NICKEL-CADMIUM BATTERY. BATTERY MUST BE RECYCLED OR DISPOSED OF PROPERLY." or "CONTAINS SEALED LEAD BATTERY. BATTERY MUST BE RECYCLED.", as applicable.

(c) EXISTING OR ALTERNATIVE LABELING.—

(1) INITIAL PERIOD.—For a period of 2 years after the date of enactment of this Act, regulated batteries, rechargeable consumer products containing regulated batteries, and rechargeable consumer product packages that are labeled in substantial compliance with subsection (b) shall be deemed to comply with the labeling requirements of subsection (b).

(2) CERTIFICATION.—

(A) IN GENERAL.—On application by persons subject to the labeling requirements of subsection (b) or the labeling requirements promulgated by the Administrator under subsection (d), the Administrator shall certify that a different label meets the requirements of subsection (b) or (d), respectively, if the different label—

(i) conveys the same information as the label required under subsection (b) or (d), respectively; or

(ii) conforms with a recognized international standard that is consistent with the overall purposes of this title.

(B) CONSTRUCTIVE CERTIFICATION.—Failure of the Administrator to object to an application under subparagraph (A) on the ground that a different label does not meet either of the conditions described in subparagraph (A) (i) or (ii) within 120 days after the date on which the application is made shall constitute certification for the purposes of this Act.

(d) RULEMAKING AUTHORITY OF THE ADMINISTRATOR.—

(1) IN GENERAL.—If the Administrator determines that other rechargeable batteries having electrode chemistries different from regulated batteries are toxic and may cause substantial harm to human health and the environment if discarded into the solid waste stream for land disposal or incineration, the Administrator may, with the advice and counsel of State regulatory authorities and manufacturers of rechargeable batteries and rechargeable consumer products, and after public comment—

(A) promulgate labeling requirements for the batteries with different electrode chemistries, rechargeable consumer products containing such batteries that are not easily removable batteries, and packaging for the batteries and products; and

(B) promulgate requirements for easy removability of regulated batteries from rechargeable consumer products designed to contain such batteries.

(2) SUBSTANTIAL SIMILARITY.—The regulations promulgated under paragraph (1) shall be substantially similar to the requirements set forth in subsections (a) and (b).

(e) UNIFORMITY.—After the effective dates of a requirement set forth in subsection (a), (b), or (c) or a regulation promulgated by the Administrator under subsection (d), no Federal agency, State, or political subdivision of a State may enforce any easy removability or environmental labeling requirement for a rechargeable battery or rechargeable consumer product that is not identical to the requirement or regulation.

(f) EXEMPTIONS.—

(1) IN GENERAL.—With respect to any rechargeable consumer product, any person may submit an application to the Administrator for an exemption from the requirements of subsection (a) in accordance with the procedures under paragraph (2). The application shall include the following information:

(A) A statement of the specific basis for the request for the exemption.

(B) The name, business address, and telephone number of the applicant.

(2) GRANTING OF EXEMPTION.—Not later than 60 days after receipt of an application under paragraph (1), the Administrator shall approve or deny the application. On approval of the application the Administrator shall grant an exemption to the applicant. The exemption shall be issued for a period of time that the Administrator determines to be appropriate, except that the period shall not exceed 2 years. The Administrator shall grant an exemption on the basis of evidence supplied to the Administrator that the manufacturer has been unable to commence manufacturing the rechargeable consumer product in compliance with the requirements of this section and with an equivalent level of product performance without the product—

(A) posing a threat to human health, safety, or the environment; or

(B) violating requirements for approvals from governmental agencies or widely recognized private standard-setting organizations (including Underwriters Laboratories).

(3) RENEWAL OF EXEMPTION.—A person granted an exemption under paragraph (2) may apply for a renewal of the exemption in accordance with the requirements and procedures described in paragraphs (1) and (2). The Administrator may grant a renewal of such an exemption for a period of not more than 2 years after the date of the granting of the renewal.

SEC. 104. REQUIREMENTS.

For the purposes of carrying out the collection, storage, transportation, and recycling or proper disposal of used rechargeable batteries, batteries described in section 3(5)(C) or in title II, and used rechargeable consumer products containing rechargeable batteries that are not easily removable rechargeable batteries, persons involved in collecting, storing, or transporting such batteries or products to a facility for recycling or proper disposal shall, notwithstanding any other law, be regulated in the same manner and with the same limitations as if the persons were collecting, storing, or transporting spent lead acid batteries that are recyclable materials subject to regulations of the Environmental Protection Agency under subpart G of part 266 of title 40, Code of Federal Regulations, as in effect on January 1, 1995, except that the requirements of title 40 relating to unmanifested waste reports (40 CFR 264.76 and 265.76) and to waste analysis and recordkeeping (40 CFR 268.7) shall not apply.

SEC. 105. COOPERATIVE EFFORTS.

Notwithstanding any other law, if 2 or more persons who participate in projects or programs to collect and properly manage used rechargeable batteries or products powered by rechargeable batteries advise the Administrator of their intent, the persons may agree to develop jointly, or to share in the costs of participating in, such a project or program and to examine and rely on such cost information as is collected during the project or program.

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No person shall sell, offer for sale, or offer for promotional purposes any alkaline-manganese battery manufactured on or after January 1, 1996, with a mercury content that was intentionally introduced (as distinguished from mercury that may be incidentally present in other materials), except that the limitation on mercury content in alkaline-manganese button cells shall be 25 milligrams of mercury per button cell.

SEC. 204. LIMITATIONS ON THE SALE OF ZINC-CARBON BATTERIES CONTAINING MERCURY.

No person shall sell, offer for sale, or offer for promotional purposes any zinc-carbon battery manufactured on or after January 1, 1996, that contains mercury that was intentionally introduced as described in section 203.

SEC. 205. LIMITATIONS ON THE SALE OF BUTTON CELL MERCURIC-OXIDE BATTERIES.

No person shall sell, offer for sale, or offer for promotional purposes any button cell mercuric-oxide battery for use in the United States on or after January 1, 1996.

SEC. 206. LIMITATIONS ON THE SALE OF OTHER MERCURIC-OXIDE BATTERIES.

(a) PROHIBITION.—On or after January 1, 1996, no person shall sell, offer for sale, or offer for promotional purposes a mercuric-oxide battery for use in the United States unless the battery manufacturer—

(1) identifies a collection site that has all required Federal, State, and local government approvals, to which persons may send used mercuric-oxide batteries for recycling or proper disposal;

(2) informs each of its purchasers of mercuric-oxide batteries of the collection site identified under paragraph (1); and

(3) informs each of its purchasers of mercuric-oxide batteries of a telephone number that the purchaser may call to get information about sending mercuric-oxide batteries for recycling or proper disposal.

(b) APPLICATION OF SECTION.—This section does not apply to a sale or offer of a mercuric-oxide button cell battery.

SEC. 207. NEW PRODUCT OR USE.

On petition of a person that proposes a new use for a battery technology described in this title or the use of a battery described in this title in a new product, the Administrator may exempt from this title the new use of the technology or the use of such a battery in the new product on the condition, if appropriate, that there exist reasonable safeguards to ensure that the resulting battery or product without an easily removable battery will not be disposed of in an incinerator, composting facility, or landfill (other than a facility regulated under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6291 et seq.)).

ORDERS FOR FRIDAY, SEPTEMBER 22, 1995

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:30 a.m. on Friday, September 22, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to the consideration of the military construction appropriations conference report as under the previous order.

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

PROGRAM

Mr. BENNETT. Mr. President, for the information of all Senators, the Senate will consider and complete action on several items on Friday. At 9:30, the Senate will begin consideration of the MilCon appropriations conference report under a short agreement. Senators can expect a rollcall vote on that conference report possibly before 10:30 tomorrow.

The Senate will also complete action on the legislative appropriations conference report on Friday. The Senate will also consider the D.C. appropriations bill. Senators can therefore expect rollcall votes throughout tomorrow's session of the Senate.

ORDER FOR RECESS

Mr. BENNETT. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in recess under the previous order following the remarks of Senator PELL.

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

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, the Senate has now adopted legislation making appropriations for foreign operations, export financing, and related programs—the so-called foreign ops appropriations bill.

This is the first major foreign-affairs-related legislation to pass the Senate this year. We have not yet passed authorizations for the State Department and other foreign affairs agencies, or for the foreign aid program. We also have yet to pass an appropriation for the State Department—which is usually done along with the Commerce and Justice Departments.

The reason why we have not yet passed these measures—and why we were able to pass the foreign ops bill—gets to the very heart of bipartisanship. The authorization bills and the Commerce, Justice, State appropriations bill represent, in my mind, partisan efforts to mandate drastic and poorly conceived cuts and reductions in foreign policy programs and agencies. In their present form, the bills are so controversial that it has proven difficult even to bring them up for consideration.

I am pleased to note though—with a few notable exceptions—the foreign ops bill has been crafted with a fair amount of bipartisanship, and by comparison to the other bills, represents a sound basis for discussing our foreign assistance and other programs.

I do not wish to suggest that I support every provision of this bill. I do not. I have deep concerns about the unnecessarily low spending levels and about some of the language dealing with the former Yugoslavia, North Korea, and Russia—countries and issues of critical importance to the U.S. foreign policy agenda. While most of the multilateral lending institutions have fared reasonably well in this bill, I also regret that there is such a low level for the International Development Association, which lends to the poorest of the poor. I hope that where possible compromise language can be worked out on all of these matters in conference.

I also want to note that the Appropriations Committee, in its report accompanying the foreign ops bill, expressed strong support for the American Schools and Hospitals Abroad Program, known as ASHA, a small but effective program of which I have been a longtime advocate. Among other

things, this program has provided U.S. support to the American University of Beirut, the Lebanese American University, and other important institutions that have advanced U.S. foreign policy goals abroad.

Mr. President, I again want to emphasize and commend the bipartisan approach that has been apparent on this bill. I hope that spirit can be preserved as we move down the road.

I yield the floor.

RECESS UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. There being no further business to come before the Senate, under the previous order the Senate will stand in recess until the hour of 9:30 a.m., Friday, September 22, 1995.

Thereupon, the Senate, at 8:16 p.m., recessed until Friday, September 22, 1995, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 21, 1995:

DEPARTMENT OF DEFENSE

JOHN WADE DOUGLASS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE NORA SLATKIN, RESIGNED.