SENATE—*Wednesday, July 19, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the Honorable ALBERT GORE, Jr., a Senator from the State of Tennessee.

PRAYER

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

Let us pray:

For whosoever exalteth himself shall be abased; and he that humbleth himself shall be exalted.—Luke 14:11.

* * * *God resisteth the proud, but giveth grace unto the humble.*—James 4:6.

God of truth and justice, infinite love and mercy, the brief biography of Uzziah, King of Judah for 52 years, is a profound reminder of the reality that some people do not grow but only swell when in a position of power.

II Chronicles records, concerning him, "* * * as his power increased * * * his heart grew proud * * * and this was his ruin!" Strengthen us, mighty God, against the destructiveness of pride and grant to each of us, whatever position, however powerful or powerless, never to take himself too seriously.

In the name of Him who humbled himself as servant to all. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 19, 1989.

To the Senate:

Under the provisions of Rule 1, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ALBERT GORE, Jr., a Senator from the State of Tennessee, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, immediately following the time for the two leaders, the Senate will resume consideration of the State Department authorization bill. I hope shortly to propound to the Senate a request for a unanimous-consent agreement to cover the remaining amendments to the State Department bill. I am advised that the list is a very lengthy one.

Accordingly, Senators should be alert to the possibility, indeed to the certainty, of votes throughout the day today and the likelihood of a lengthy session this evening. In planning their schedules for the day, Senators should be aware that we are going to attempt to move forward on this bill, and that means the likelihood of votes well into the evening and beyond the 7 p.m. time. Senators should be aware of that. I regret any inconvenience to Senators but it is imperative that we complete action on this bill in the near future. We have a very long list of amendments which I will shortly read, and it is my hope that we can make substantial progress on this bill.

RESERVATION OF LEADER'S TIME

Mr. MITCHELL. Mr. President, I ask unanimous consent to reserve the remainder of my leader time and the time of the distinguished Republican leader as well.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1990

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1160, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1160) to authorize appropriations for fiscal year 1990 for the Department of State, the United States Information Agency, the Board for International Broadcasting, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Helms amendment No. 269, to prohibit negotiations with terrorists responsible for the murder, injury, or kidnaping of an American citizen.

Grassley amendment No. 270 (to amendment No. 269), of a perfecting nature.

Heinz amendment No. 272, to provide international support for programs of sustainable development, environmental protection, and debt reduction.

The ACTING PRESIDENT pro tempore. What is the will of the Senate?

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

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

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business, not to extend beyond 5 minutes with the Senator from Nevada being recognized to address the Senate during that period, and that upon completion of that, the Senate return to legislative session and to the consideration of the State Department authorization bill.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered. The Senator from Nevada.

YUCCA MOUNTAIN IN NEVADA UNSUITED FOR NUCLEAR WASTE REPOSITORY

Mr. REID. Mr. President, I am taking the floor this morning to issue a warning and not just to the Senate or Washington officials but to the country at large.

Yesterday, it was revealed that Yucca Mountain in Nevada is unsuited for a nuclear waste repository because of potential volcanic activity. This startling revelation came in the form of a rigorous scientific report written by the senior Geologist at the Nuclear Regulatory Commission.

That senior geologist is Dr. John Trapp. He wrote the report on June 22 of this year after visting Nevada and

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

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the Yucca Mountain site from May 1 through May 5 of this year.

The report is approximately 30 to 40 pages long. It is full of mathematical equations page after page, but also many scientific calculations that assess a variety of "volcanic scenarios."

These equations and calculations would bore you at this time and are too lengthy to even fit into the CONGRESSIONAL RECORD—so rigorous and thorough is the work of Dr. Trapp.

Dr. Trapp's conclusions are clear as a bell and the warning they ring out should be heard by the Senate and the American people.

Dr. Trapp writes—and I quote verbatim:

> From May 1 through May 5, 1989 * * * I attended a volcanics field trip during which I had the opportunity to view many of the areas where both the State of Nevada and DOE workers are studying volcanic features.
>
> Following that trip, I expressed my opinion that the information I had seen suggested to me that the Yucca Mountain site would have a very hard time passing a licensing hearing, strictly on the volcanics issue.

The implications of Dr. Trapp's conclusions are obvious but he goes even further. Let me quote again:

> I do not think the Yucca Mountain site itself can be shown to be favorable in a licensing arena. I, therefore, am of the opinion that this is not the site at which we should be trying to license the first high-level radioactive waste repository.

Mr. President, if any reader had any doubts, the Nuclear Regulatory Agency's Senior Geologist goes one step further:

> The Yucca Mountain site should be dropped from consideration for a nuclear waste repository.

This scientific evidence from the Nuclear Regulatory Commission is clear, direct to the point, and in plain English for all to understand.

There are three obvious conclusions because of this startling, new report from the Nuclear Regulatory Commission:

One, it was wrong for Congress and the Department of Energy to stampede into the issue of a nuclear waste dump in Nevada or anywhere in the United States without further evidence that geological burial was the best thing to do. I stood at this very place on the Senate floor and spoke for many hours, and I told the Senate at that time when we were being penny-wise and pound-foolish, rushing pell-mell into this nuclear waste situation. Dr. Trapp confirms what I said.

Two, it is time to stop the stampede. The DOE and Congress must admit that Yucca Mountain is a dangerous site.

Three, we have spent millions of dollars—shortly it will be into the billions of dollars—to prove what we already knew—that Yucca Mountain is unsuited as a dump site for many reasons, volcanic activity among them. Why should we commit many more billions of dollars to a project we know is a white elephant?

Dr. John Trapp is a hero. He did what no one expected him to do, tell it like it really is, and let the chips fall where they may.

There will be those who will try and minimize this report. They will say Dr. Trapp's conclusions are one among many opinions. They will say it is minor and insignificant and no worse than a hairline crack on a nuclear reactor. They will try as quickly as possible to put a lid on the whole subject.

But we know better.

There is no reasonable scientific justification for a nuclear waste repository under Yucca Mountain. That would be as smart as storing nitroglycerin in a boiling teapot or taking all the radioactive poison and toxic chemicals in the world and storing them in Krakatoa, Mount St. Helen's, or Mount Vesuvius.

The nuke dump is dead. Now that the scientists have killed the idea, it's up to the DOE and Congress to kill the project.

If the bureaucrats cannot keep a lid on the truth, what makes them think they can keep a lid on the dump?

It is time we put an end to this foolishness that has been going on and on and on. The nuclear waste repository in Nevada is not safe.

I yield the floor.

Mr. MITCHELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. MITCHELL. I ask unanimous consent that the period for morning business be extended for 10 minutes, that the Senator from Ohio [Mr. GLENN] be recognized to address the Senate during that period, and upon completion of his remarks, the Senate return to legislative session and to the consideration of the State Department authorization bill.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. I thank the Chair.

(The remarks of Mr. GLENN pertaining to the introduction of S. 1350 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1990

The ACTING PRESIDENT pro tempore. Under the unanimous-consent request now governing business, the pending business will be S. 1160.

EXTENSION OF MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the period for morning business be extended for 5 minutes; that during that time, the Senator from Mississippi [Mr. COCHRAN] be recognized to address the Senate; and that upon the completion of his remarks, the Senate return to legislative session and return to the consideration of the State Department authorization.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The senior Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished majority leader for his indulgence and I appreciate the opportunity to address the Senate as if in morning business.

PRESIDENT BUSH

Mr. COCHRAN. Mr. President, as President Bush returns from his trip to Eastern Europe and from the economic summit meeting with our Western friends and allies, I think it is appropriate for us to recognize his strong leadership in the international arena.

I know that during debate on the State Department authorization bill on the floor of the Senate for the last few days some have criticized the President for choices he has made for ambassadorships and other positions in the administration.

I would like to point out, however, that the President is giving the country very strong, very capable, and very mature international leadership. We are rising to a position of true influence that is very appropriate for the United States at this critical time in history.

We are seeing democracy develop in countries where before we saw only military dictatorship. We are seeing experimentation in Eastern Europe, in China, in the Soviet Union itself, with new economic practices and policies which indicate that people around the world are recognizing the success of the American experience with economic and political institutions that have protected individual rights and have responded to human needs and aspirations.

I think it is instructive also to look at the recent findings about the feelings of the American people toward President Bush by some of our major polling organizations. The June Gallup poll indicated, for instance, that President Bush completes his first 6 months with the highest performance rating of any President at this point in his term of office. It showed a 70-percent approval rating from the American people, with only 14 percent disapproving of the way he is conducting the office of President.

The ABC News/Washington Post ratings for the first 6 months of President Bush's term show that 73 percent of the American people approve of the way he is handling the job.

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It is appropriate for us to recognize and commend the strong and capable leadership we are receiving. While those who criticize the President have every right to do so in debates and in trying to point out better ways of doing things, I think we should also realize he is doing a very good job. We are, I think, very fortunate to have a man of his background and experience at the helm when our country is conspicuously called upon for guidance and leadership at such meetings as were just concluded in Europe.

In connection with the situation in China, I note that we passed the other day a resolution expressing hope that some additional actions could be taken by our Government to persuade the regime in China to be more sensitive to the interests of the people of that important country. I hope the resolution is effective. But I also hope we recognize that we are probably better served by support for the initiatives we can get others to support around the world.

I recall that when we were angered by actions of the Soviet Union at one point in our recent history, we imposed a grain embargo to show that the United States was taking firm action to show our disapproval. By that action, however, we hurt ourselves economically, and we damaged the well-being of many American farm families and others. The embargo may have made us feel good at the time, but it gave us an economic headache later.

As we approach future choices in the attempt to exert influence and to express our concerns around the world in international matters, I hope we look to the President for leadership and try to work in concert with our allies to support reasonable and effective policies.

I thank the Chair, and I yield the floor.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1990

The Senate continued with the consideration of the bill.

The ACTING PRESIDENT pro tempore. The pending business is S. 1160. By unanimous consent, three amendments were set aside. A call for the regular order would bring back the Grassley second-degree amendment, No. 270, to the Helms amendment, No. 269. Upon disposition of those amendments, the regular order would call for consideration of a Heinz amendment, No. 272.

Mr. PELL. Mr. President, I ask unanimous consent that we set aside the amendment that is before us and take up at this point an amendment that would be offered by the Senator from North Carolina concerning Tibet.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 284

(Purpose: To express the sense of the Congress regarding the future of Tibet)

Mr. HELMS. Mr. President, I am pleased to join the distinguished chairman of the Foreign Relations Committee in presenting this amendment on the concern of the future of Tibet. I know that Tibet has long been a source of concern of Senator PELL, as it certainly has been of mine. So I send to the desk an amendment and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 284.

Mr. HELMS. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

SEC. . POLICY TOWARD THE FUTURE OF TIBET.

(a) FINDINGS.—The Congress finds that—

(1) Beginning October 7, 1950 the Chinese Communist army invaded and occupied Tibet;

(2) The Government of the People's Republic of China declared martial law in Lhasa and other parts of Tibet on March 7, 1989;

(3) Tibet has been closed to foreigners, including representatives of the international press and international human rights organizations; and

(4) As part of an organized system of repression in Tibet scores of persons have been imprisoned for their beliefs;

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the Government of the People's Republic of China should immediately lift martial law in Tibet and release all political prisoners; and,

(2) the Government of the People's Republic of China should enter into negotiations with representatives of the Dalai Lama on a settlement of the Tibetan question.

Mr. HELMS. I will be brief, Mr. President, because this amendment has been cleared on both sides.

Recently television viewers around the world were horrified to see the Chinese Communist declare martial law in Beijing and send in their army to massacre unarmed demonstrators, most of them students. But what these television viewers did not see, what they do not know, is that the Chinese Communists had tested martial law and committed wholesale massacres in Tibet before they imposed them on the citizens of their own capital.

So this amendment is very simple. It calls for the Chinese Communists to lift marital law and to release political prisoners and negotiate the future of Tibet with the representatives of the Dalai Lama.

On a number of occasions Senator PELL and I have met with the Dalai Lama. I hold him in great affection, as I know Senator PELL does. I think this amendment is imperative. I urge its immediate adoption.

Mr. PELL. Mr. President, I ask unanimous consent that my name be added as a cosponsor.

Mr. PELL. Mr. President, I support this amendment as a welcome acknowledgment by Congress of the continued occupation of Tibet by the Chinese and as a statement of support for the Dalai Lama in his efforts to negotiate peacefully a settlement to this issue.

The declaration of martial law in Tibet and the continued exclusion of all foreign visitors is of grave concern. While the world's attention has been focused on events in China, the eyes of the world have been closed to Tibet from which seeps only the vaguest but still disturbing information about the repression.

I am glad to support this amendment and urge my colleagues to do likewise.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from North Carolina [Mr. HELMS].

The amendment (No. 284) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 285

(Purpose: To express the sense of the Congress regarding the future of Taiwan)

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

The ACTING PRESIDENT pro tempore. Without objection, the clerk will report the amendment.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. PELL] proposes an amendment numbered 285.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

SEC. . POLICY TOWARD THE FUTURE OF TAIWAN.

(a) FINDINGS.—The Congress finds that—

(1) although peace has prevailed in the Taiwan Strait for the past decade, on June 4, 1989, the Government of the People's Republic of China showed its willingness to use force against the Chinese people who were demonstrating peacefully for democracy; and

(2) in the Taiwan Relations Act, the United States made clear that its decision to enter into diplomatic relations with the People's Republic of China rested upon the expectation that the future of Taiwan would be determined by peaceful means—

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the future of Taiwan should be settled peacefully, free from coercion, and in a manner acceptable to the people of Taiwan; and

(2) good relations between the United States and the People's Republic of China depend upon the Chinese authorities' willingness to refrain from the use or the threat of force in resolving Taiwan's future.

Mr. PELL. Mr. President, I ask unanimous consent that Senator LIEBERMAN be added as a cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PELL. Mr. President, this amendment asks that the future of Taiwan be settled peacefully, free from coercion, and in a manner acceptable to the people on Taiwan. I believe it is important, as we consider the continued uncertainty in China, that we remind ourselves that we also have an obligation to protect the rights and freedoms of the Taiwanese people.

Good relations between the United States and the People's Republic of China will depend not only on improvements in domestic conditions in China—as the Senate made clear Friday when it voted in favor of a new set of sanctions against China—but also on the willingness of the Chinese authorities to refrain from the use or the threat of force in resolving Taiwan's future.

The people of Taiwan can take great comfort in their accomplishments: the creation of a vital and dynamic economy and their continued insistence and efforts at achieving a democratic state. But these dramatic accomplishments should not obscure the fact that danger still lurks in Taiwan Straits until Taiwan and the People's Republic of China can peacefully resolve their differences.

We need to reaffirm to all parties concerned that we oppose settling the Taiwan dispute by force or coercion.

Mr. HELMS. Mr. President, if the Senator has not listed me as a cosponsor, I ask unanimous consent that I be added as a cosponsor of this amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I strongly favor the amendment. I genuinely commend my distinguished friend for offering the amendment. Just for the record, we have worked together on this and many other amendments.

The Senate has already responded to the Tiananmen massacre with direct sanctions on Communist China. However, the ripple effects of the Tiananmen massacre are being felt throughout East Asia, including our friends, the Republic of China in Taiwan.

The amendment which the distinguished chairman of the Foreign Relations Committee and I are cosponsoring notes these effects. It states that the future of Taiwan should be settled free of coercion and the future of our relations with the Chinese Communists absolutely depends on their willingness to refrain from the use of force and violence. I urge adoption of the amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Rhode Island [Mr. PELL].

The amendment (No. 285) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, I believe by my count we have at least 10 other amendments which have been approved by both sides. I know the Senator from Rhode Island feels as I do. I hope those Senators who are sponsors of those amendments will come on over here so that we could get those out of the way. Otherwise we are going to end up with a logjam at the tail end of consideration of the State Department authorization bill.

So if the aides of Senators or the Senators themselves are listening, I hope they will hotfoot it over to the Senate floor and let us get those amendments taken care of.

Mr. PELL. Mr. President, I could not agree more with the Senator from North Carolina. The floor is open and waiting for Senators from both parties to come on over and present their amendments. In the meantime, we have no alternative but to ask for a quorum call, which does not reflect well on the Senate, as we wait for our colleagues to come over with amendments.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. MITCHELL. Mr. President, as I indicated last night I would do, I am now about to propound a request for unanimous consent and to identify the amendments remaining in order with respect to this legislation. Mr. President, it is a very long list, now totaling 109 amendments. It is imperative, in my judgment, that we proceed to deal with this bill and with these many amendments. Accordingly, I hope I will have the cooperation of my colleagues on the Republican side to move forward. This is legislation which the President has asked for. This is an administration effort which I am attempting to accommodate.

As I indicated earlier, it will obviously be necessary to have a lengthy session tonight. There will undoubtedly be votes this evening well beyond the 7 p.m. hour as we make an effort to continue. I ask my colleagues to consider whether or not they wish to proceed with every one of these amendments. Our experience has been in the past, of course, that many amendments are stated as an intention and then not offered.

In any event, I am going to propound the agreement now. It is my hope that immediately following this the managers will proceed to receive amendments and dispose of them as promptly as is consistent with thorough consideration.

UNANIMOUS-CONSENT REQUEST

Mr. MITCHELL. Accordingly, Mr. President, I ask unanimous consent that the following amendments that I shall list be the only amendments in order to S. 1160, the State Department authorization bill; that any second-degree amendment must be relevant to the first-degree amendment except where noted, and that no motions to recommit be in order:

A Dole-Mitchell amendment on Lebanon;

A Lautenberg amendment on presumptive refugee status;

A Lautenberg-Pressler amendment on Romania;

A Lautenberg amendment on a Special Commission on Pan Am flight 103;

A Byrd amendment on the Commerce Department and Brussels;

A Byrd amendment on the Khmer Rouge;

A Byrd second-degree amendment on clean coal technologies;

A Graham amendment on free and fair elections in Nicaragua;

A Graham amendment on Soviet-military assistance to Nicaragua;

A Graham amendment on Cuban human rights violations;

A Graham amendment on Cuban visa processes for profit and GAO investigation;

A Graham amendment on Contra humanitarian aid;

A Graham amendment on electoral reform in Nicaragua;

A Graham amendment on administration's policy toward Panama;

A Bumpers amendment on China, the ACDA program related to nuclear proliferation;

A Bumpers amendment, the subject of which is yet unspecified;

A Biden amendment on technical amendments;

A DeConcini amendment on the Ukranian Famine Commission;

A DeConcini amendment on the Romanian meat ban;

A DeConcini amendment on Mexico;

A DeConcini amendment on a change in title of Department of State position;

An Exon amendment on Chinese students in Japan;

A Gore amendment on political appointees, no more than 30 percent;

A Gore amendment on EIS—technology transfer to Communist countries;

A Gore amendment on National Public Radio;

A Wirth amendment on requiring the VOA to carry NPR material;

A Gore amendment on global warming and climate problem as it affects national security;

A Glenn amendment to increase VOA funding by $35 million;

A Wirth amendment on USIA;

A Kennedy amendment to support the establishment of Association of Democratic Nations;

A Moynihan amendment on the Cultural Property Act;

A Moynihan amendment on Burma;

A Sanford amendment to reduce the bill's authorization to conform with budget agreement level;

A Dodd amendment on Central America;

A Dodd amendment on USIA program restriction;

A Dodd amendment on the bipartisan Central American accord;

A Dodd amendment on Honduras;

A Breaux amendment on international agreements on sea turtles;

A Bradley amendment on Hong Kong;

An Adams amendment to promote capability for emergency evacuation from foreign countries;

A Levin amendment on Panama;

A Pell amendment on Taiwan;

A Pell amendment on Soviet Armenia;

A Pell amendment to erect a "Goddess of Liberty" statute;

A Pell amendment to expand the Samantha Smith exchange program;

A Dixon amendment on Korean FX;

A Kohl amendment on Chinese students;

A Simon second-degree amendment to any Helms amendment repealing South Africa sanctions;

A Coats amendment on the Panama Canal;

A D'Amato amendment on drugs in HUD projects;

A Humphrey amendment on Poland, first or second degree;

A Wilson amendment to prohibit Middle East conference at the United Nations;

A Wilson amendment on Ethiopian Jewry;

A Wilson amendment on the visa status of Chinese nationals in the United States;

A Symms amendment on international environmental policy;

A Symms amendment on Hong Kong refugees, first or second degree;

A Symms amendment on the Oliver North pension;

A Symms amendment on Mount Alto;

A Symms amendment on United States loans to the Soviet bloc;

A Mack amendment on Cuba;

A second Mack amendment on Cuba;

A Mack amendment on TV Marti;

A Wallop amendment on Tiananmen Square;

A Domenici amendment on an international energy conference;

A Lott amendment on drug decertification;

A Specter amendment on the death penalty to terrorists;

A Specter amendment on an international strike force;

A Boschwitz amendment, a possible second-degree amendment, on the PLO;

A Kasten amendment, possible second degree, on U.N. voting;

A Kasten amendment on the VOA to China;

A Pressler amendment on Yugoslavian human rights;

A Stevens amendment on United States-Canada negotiations on oil pollution;

A Wallop amendment on naming of the square across from the Chinese Embassy;

A McConnell amendment on clean coal technologies;

A McCain amendment on Cambodia;

A McCain amendment on missile proliferation;

A Helms amendment to reduce U.N. contributions by $23 million and transfer to State salaries and expenses;

A Helms amendment to reduce funding for the Fulbright program, NED and Asia Foundation to increase USIA salaries and expenses;

A Helms amendment to strike Moscow Embassy language;

A Helms amendment on hard-line China sanctions;

A Helms amendment to transfer Blair House from State Department to White House;

A Helms amendment to prohibit foreign-borns FSO's or spouses from service in country of origin;

A Helms amendment to prohibit hiring of selected out FSO as GS employee at State Department;

A Helms amendment on Thomas Commission recommendations;

A Helms amendment on senior Foreign Service cannot serve in bargaining unit;

A Helms amendment on diplomats in residence limited to 1 year;

A Helms amendment on drug discharge;

A Helms amendment on lifting sanctions on Namibia;

A Helms amendment on the PLO;

A Helms amendment on the United States-United Nations;

A Helms amendment on the Wrangel Islands;

A Helms amendment on INF verification;

A Heinz amendment to provide for the delay in Korea fighter MOU;

A Heinz amendment on U.N. personnel policies;

A Heinz amendment on Slepack principles for trade with the East bloc;

A Heinz amendment on the environment;

A McClure amendment on MFN status of U.S.S.R.;

A Heinz amendment on pending amendment No. 272;

A Chafee amendment on the sense-of-the-Senate on the Middle East;

A Chafee amendment on the sense-of-the-Senate on the Middle East;

A Dole amendment on chemical weapons;

A Murkowski amendment to increase the amount of reward for combatting terrorism;

A Murkowski amendment on international driftnet with Japan;

A Murkowski amendment on Cambodia;

A Murkowski amendment on plastic explosives;

A Murkowski amendment on Poland;

A Coats amendment on crop eradication;

An Armstrong amendment, the subject of which is not specified;

A Specter amendment on the quality of life on the West Bank;

A Specter amendment commemorating the victims of terrorism.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Let me say to the majority leader that there is no Member of the Senate who more enthusiastically hopes we can reach a conclusion of this bill. He has managed bills, as Senator PELL and I are doing. To sit here and wait for Senators to come and offer amendments must be something like having a root canal.

Having said that and emphasizing to the distinguished majority leader that I appreciate his desire to arrive at limiting the amendments to the bill, I think the effort will be a little premature at this time. We will take a look at it.

For example, I will meet with the administration as soon as John Sununu gets up here with respect to PLO. I need to know what is going to happen on that before I get into a time agreement.

Mr. MITCHELL. If I can simply say to the Senator, there is no time amendment on this end. That amendment is on the list. You could not be injured in any way.

Mr. HELMS. I misspoke. I did not mean a time limitaton. I meant a limitation on amendments. Senators are continuing, even within the past 5 minutes, to alert us of additional amendments, and I have an obligation to do the best I can to accommodate these Senators who ask me to attend to their interest. And others have expressed concern, last night and this morning, that they do not want to be left behind because they will not get to register their amendments. I feel just like the majority leader. We need to get cracking and get through this piece of legislation.

It has been extremely useful to have this list read by the distinguished majority leader and made part of the record.

These are amendments which have been identified, and like the majority leader, I do not believe all of them will be called up. If they are, even the youngest member of the Senate may be collecting Social Security before we pass this bill.

If I could suggest to the leader, I believe it would be useful, as he said earlier today, for those Senators who have amendments which have been cleared—and there are now at least 10 or 12 remaining according to our count—to come to the floor and offer the amendments. Senator D'AMATO, I believe, is here and ready to go with one of his amendments. If Senators have amendments which they believe may be cleared and worked out, I hope they will come over and work with Senator PELL, myself, and our respective staffs. Those would be my recommendations at this time as to how to proceed.

I wonder if I might ask the majority leader a question which has arisen a number of times to which I do not have a definitive answer. What is the leader's intention with respect to the foreign aid authorization bill? Is it his plan to call up the foreign aid bill immediately following the disposition of the State Department authorization?

Mr. MITCHELL. Yes, it is, depending upon when we finish this bill. I do not want to create an incentive for the Senator to delay this bill any further. This is already in the 4th day. The Senator says that Senators do not know if they want to offer an amendment or not. We are in the 4th day of deliberation of this bill. Senators have a responsibility to the Senate, to their colleagues, to the President, and——

Mr. HELMS. I think I have the floor.

Mr. MITCHELL. I am responding. May I be permitted to respond? I hope that Members of this Senate will be prepared to meet their responsibilities.

Mr. HELMS. I say to the majority leader, as his friend, as one who wants to cooperate with him, do not ignore the fact that it was he who scheduled the first day of consideration of this bill on Friday and the second day on Monday, and it has he who declared there would be no votes, and that is just telling Senators by-by, go home and stay home.

So we actually have had Tuesday and we did not begin on this bill until yesterday afternoon at 2:15, if my collection serves me correctly. We went out last night and here we are really on the first full day of consideration of this bill.

Mr. MITCHELL. This is the 4th day of consideration. There is no reason why Senators cannot be present to present amendments if they are serious about doing so. That is the question.

Mr. HELMS. The Senate can make a judgment——

Mr. D'AMATO. Mr. Majority Leader, I have an amendment. I have been waiting for 3 days.

Mr. HELMS. Just a minute. We have unanimous consent——

Mr. MITCHELL. If the Senator will wait a moment, we will accommodate that. Do I understand the distinguished manager objects to my unanimous-consent request?

Mr. HELMS. I would like to finish my statement, If I might.

Mr. MITCHELL. The Senator can say anything he likes.

Mr. HELMS. I thank the Senator. Now, could the majority leader give any assurance or does he wish to give any assurance that no attempt will be made to add the foreign aid bill to this authorization bill for the State Department? Does the majority leader contemplate linking them together and making them one bill?

Mr. MITCHELL. No, I do not.

Mr. HELMS. So I can be assured that that is not going to happen?

Mr. MITCHELL. If I can get cooperation to get this bill passed, the President's bill, then I will be pleased to discuss that with the Senator. But what the Senator is asking is that he have the unlimited right to delay this legislation——

Mr. HELMS. No.

Mr. MITCHELL. For as long as he wants. We are in the 4th day now.

Mr. HELMS. No.

Mr. MITCHELL. And also extract from me a commitment that I will not present another bill that he does not want. In other words, heads the Senator wins, tails I lose. That is what the Senator is suggesting.

Mr. HELMS. It sounds like a good proposition to me.

Mr. MITCHELL. I think that is the kind of proposition that I have been presented with.

Mr. HELMS. No. No.

Mr. MITCHELL. If I can get some assurance from the Senator from North Carolina that we will complete action on this bill, that there will be no further delays in this bill, then I will consider agreeing to not link the foreign aid bill with this. But so long as we are going to have this continuing delay on this bill, and a refusal to move forward on this bill, then I obviously have to retain all my options.

Mr. HELMS. Of course the Senator does. I regret that he has implied that I am delaying this bill. I do not think the Senator did that. It is not so, I will state to the Senator. I know the Senator stated it in good faith, but it is simply not so.

Mr. MITCHELL. The Senator is the manager of the bill. I announced last night that we were going to go to this bill at 9:15 this morning.

Mr. HELMS. Right.

Mr. MITCHELL. The managers have a responsibility to the Senate to be present when the bill is to be presented.

Mr. HELMS. Right.

Mr. MITCHELL. We had a 30-minute delay this morning until the Senator from North Carolina, who is the manager of the bill, showed up to manage the bill. Now, that is a 30-minute delay.

Mr. HELMS. The Senator told me last night that he was going to have a morning period.

Mr. MITCHELL. No, I specifically stated there would be no morning period and announced last night there would be no morning business. I specifically announced it. If the Senator misunderstood, I regret that. The important thing now is that we have to move forward on this bill. It is the President's bill. This is the administration's bill. I am doing my best to accommodate the President. What I find over and over and over again is that I am struggling to advance the President's interests when members of the President's party are opposing the President's interests. I am trying to accommodate the President. I am trying to present his bill in the way that gives everybody the opportunity for full and fair discussion. I want to emphasize that.

The Senator from North Carolina has the absolute right to offer what amendments he wants, to speak as long as he wants, and I do not object to that. That is why we are here, not the kind of delay that is not in the nature of offering amendments and speaking. Now, we have a list here of 109 amendments. I have another one since we have been talking.

Mr. HELMS. How many more do we have?

Mr. MITCHELL. And the Senator probably has some more. I would like to suggest to the Senator at this point, he has asked that foreign aid not be

linked to this. I have proposed a list of amendments which does not include the foreign aid bill and which would be exclusive. He has just objected to my list, and yet if he withdraws his objection, acceptance of the unanimous consent agreement accomplishes what the Senator wants. The Senator is objecting to the very thing which the Senator has asked me to do.

Mr. HELMS. I will ask the Chair if I have objected.

The PRESIDING OFFICER. Objection has not yet been heard.

Mr. HELMS. Right.

Mr. MITCHELL. Then may I take it that the Senator does not object?

Mr. HELMS. No.

Mr. MITCHELL. Then I amend my request by adding a Levin second-degree amendment to the Specter death penalty/terrorist amendment, and I ask that my request be agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. D'AMATO. Reserving the right to object, I say to Mr. Majority Leader, I do not object. I would just like to know whether or not, since I have——

The PRESIDING OFFICER. Senators will please be reminded to address each other through the Chair.

Mr. D'AMATO. Mr. President, I have an amendment that has been filed. It is an amendment on behalf of myself and Senator MOYNIHAN, Senator REID, and another group of Senators. I do not believe there is any objection to it. It is dealing with drugs in public housing authorities, and it is designed to take care of a problem that has come up as a result of the urgent supplemental, an inclusion in the conference of language which makes it literally impossible to evict drug dealers from public housing.

Mr. MITCHELL. If the Senator will yield and permit us to complete this exchange with respect to this agreement, if we get an agreement, then the senior Senator can proceed. And if we do not, the Senator can proceed.

Mr. D'AMATO. I was just wondering if I was protected and if my amendment would be included in that agreement.

Mr. MITCHELL. The Senator's amendment is on the list which has been read.

Mr. D'AMATO. I thank the Senator.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Mr. President, I am going to make the majority leader's wish come true, his prediction. For the time being I do object, so I can run traps on my side.

The PRESIDING OFFICER. Objection is heard.

Mr. MITCHELL. Mr. President, I add to the list a Byrd-Hatfield amendment to permit earmarks to authorization, and a Cranston amendment regarding the Chino Air Museum.

Mr. President, I yield the floor.

Mr. MURKOWSKI. I wonder if I can ask——

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the pending amendments Nos. 269, 270, and 272 be temporarily laid aside so that I might be permitted to offer an amendment on behalf of myself, Senator MOYNIHAN, Senator REID, Senator GRASSLEY, Senator SPECTER, and Senator MACK on drugs, to which——

The PRESIDING OFFICER. Is there objection?

Mr. D'AMATO. To which no second-degree amendments may be in order.

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

Mr. GORE. Reserving the right to object, the last part of the unanimous-consent request was to which no second-degree amendment may be in order? Without having seen the text of the amendment, I reserve the right to object to that just as a matter of principle.

Mr. D'AMATO. I am delighted to show it to the Senator.

Mr. GORE. I withdraw the objection.

Mr. PELL. Could we have copies of the text of the amendment?

Mr. D'AMATO. Yes.

Mr. PELL. Could the Senator repeat the unanimous-consent request made?

Mr. D'AMATO. I ask that the pending amendments be temporarily laid aside so I might be permitted to offer an amendment on behalf of Senator MOYNIHAN, myself, Senators REID, DIXON, and GRASSLEY, which deals with drugs in public housing authorities, and inadvertent legislative action taken certainly by the Senate which makes it literally impossible to evict drug dealers in public housing authorities. This legislation is intended to revoke section 404 of the urgent supplemental that inadvertently——

The PRESIDING OFFICER. Is that part of the unanimous-consent request?

Mr. D'AMATO. I am trying to explain to my colleague. Yes, it is.

Mr. PELL. Can the Senator send me a copy of the amendment?

Mr. D'AMATO. I am attempting to explain what it does because it is repeal of section 404 of the dire supplemental.

If I might be permitted to explain what that repeal does——

The PRESIDING OFFICER. Will the Senator from New York explain or state the request for unanimous consent? What is the request?

Mr. D'AMATO. I request unanimous consent that the pending amendments 269, 270, and 272 be temporarily laid aside.

The PRESIDING OFFICER. Is there objection?

Mr. PELL. Mr. President, I am constrained to object for the moment until we make sure it is cleared on both sides.

The PRESIDING OFFICER. Objection is heard.

Mr. GORE addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. GORE. I have an amendment but I want to make it clear that I withdraw any reservation I have on the amendment proposed by the Senator from New York. If the floor is open for business, I would like to proceed with an amendment that was on the list read earlier by the majority leader. I do not wish to be discourteous to the Senator from New York if this matter is going to be imminently resolved.

The PRESIDING OFFICER. The Senator is reminded there are three pending amendments.

Mr. GORE. I understand that, Mr. President. I ask unanimous consent that those three amendments be temporarily set aside that I might offer an amendment to the pending bill.

The PRESIDING OFFICER. Is there objection?

Mr. D'AMATO. I object, Mr. President.

The PRESIDING OFFICER. There is objection heard.

Mr. MURKOWSKI. Reserving the right to object——

Mr. D'AMATO. I object.

The PRESIDING OFFICER. There is objection heard.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORE. I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. It is the intention of the Senator from Alaska if it is appropriate with the floor manager, I have two pending amendments that have been cleared by both sides. I do not wish to delay my friend from New York if the leader is prepared to act on his amendment, nor the Senator from Tennessee. If there is anticipated delay, I have two amendments that have been cleared. In the spirit of expediting the process, I bring this to the attention of the floor manager. One is simply adjusting the rewards

on terrorism and one on drift net fishing.

I ask the chairman of the Foreign Relations Committee if there is any objection on his part to proceed.

The PRESIDING OFFICER. The Senator will be reminded that to proceed he will have to set aside the pending amendments.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I ask unanimous consent to temporarily lay aside the pending amendments to move on to the amendments of the Senator from Alaska.

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

Mr. D'AMATO. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator's objection is not in a timely manner. No objection was heard, and the unanimous consent was accepted by the Chair.

Mr. MURKOWSKI. I will defer to my colleague from New York out of my respect and out of my respect for the Chair and his comment, assuming I have the floor at this time.

Mr. D'AMATO. Mr. President, I just indicated to my good friend, the Senator from Tennessee, I do not desire to impede him or the Senator from Alaska, or any other Senator, from moving forward on their legislative request. But for 3 days now I have been looking for an opportunity to offer my amendment. I will say this: Unless I have no opportunity to offer this amendment I am going to be putting forth objections in the future. I want to have that heard. I have been patient, I have been waiting, and filed it early.

I just offer that by way of explanation.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. MURKOWSKI. I gather that pending no further questions of the Senator from Alaska that my colleagues will agree that the——

Mr. PELL. Which one of the two amendments?

Mr. MURKOWSKI. I have two; combating terrorism, which adjusts the rewards, and the other one is expressing the sense of the Senate regarding drift net fishing in the North Pacific Ocean.

Mr. PELL. From this side, there is no objection to the amendments of the Senator from Alaska.

AMENDMENT NO. 286

(Purpose: To express the sense of the Senate relating to the recently concluded agreement with the Government of Japan regarding driftnet fisheries in the North Pacific Ocean)

Mr. MURKOWSKI. I would like to proceed, send the amendments to the desk and ask for their immediate consideration—on those two amendments, assuming they are cleared.

Mr. President, I offer an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for himself, Mr. STEVENS, Mr. HOLLINGS, Mr. HATFIELD, Mr. PACKWOOD, Mr. ADAMS, Mr. GORTON, and Mr. KERRY, proposes an amendment numbered 286.

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

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

The amendment is as follows:

On page 143, beginning with line 6, strike out all through line 20 on page 144 and insert in lieu thereof the following:

(1) fisheries currently conducted in the international waters of the North Pacific Ocean, including the Bering Sea, by foreign vessels using long plastic driftnets result in the entanglement and death of enormous numbers of both target and non-target marine resources;

(2) the losses of valued non-target species in such fisheries may reach tens of thousands of marine mammals, hundreds of thousands of seabirds, millions of salmonids, and unknown numbers of other species;

(3) the salmon and steelhead trout intercepted in such fisheries are commercially and recreationally valuable anadromous species, and include large numbers of fish from stocks that spawn in the waters of the United States, and that remain under United States jurisdiction while in waters outside the exclusive economic zone and territorial sea of any nation;

(4) the unauthorized taking of anadromous species subject to the jurisdiction of the United States is unlawful;

(5) the efficiency with which driftnets intercept and harvest large numbers of salmon and steelhead trout has encouraged the development of international trading in fish taken illegally in driftnet fisheries on the high seas;

(6) economic losses to the citizens of the United States from such illegal fishing and fish marketing are estimated to be as much as several hundred million dollars annually;

(7) the Congress has demonstrated its deep concern about the effects of driftnet fisheries by the passage of the Driftnet Impact Monitoring, Assessment and Control Act of 1987 (16 U.S.C. 1822 note), often called "the Driftnet Act";

(8) the Driftnet Act called upon the Secretary of Commerce, through the Secretary of State and in consultation with the Secretary of the Interior, to negotiate agreements with each foreign government that permits its nationals to engage in driftnet fishing which results in the taking of marine resources of the United States on the high seas;

(9) the Driftnet Act required that such agreements provide for statistically reliable monitoring and assessment of the numbers of marine resources of the United States killed by driftnet vessels, and for certain measures necessary for effective enforcement of applicable laws, regulations, and agreements;

(10) an agreement has been negotiated with the Government of Japan;

(11) many individuals and interest groups in the United States have expressed grave doubts about the ability of the agreement negotiated with the Government of Japan to meet the requirements of the Driftnet Act in a number of important respects, including statistically reliable monitoring and effective enforcement.

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

(1) the agreement with the Government of Japan should be interpreted to ensure at a minimum that, for the 1990 fishing season:

(A) an electronic position-indicating and vessel-identification device will be installed and operating aboard all Japanese vessels which fish with driftnets in the North Pacific Ocean outside the exclusive economic zone or territorial sea of any nation, including, but not limited to, the vessels of the squid-fishing, large-mesh, land-based salmon, and mothership-based salmon driftnet fleets; and

(B) a sufficient number of observers will be placed aboard vessels of each driftnet fleet to ensure the collection of statistically reliable data on the numbers of marine resources of the United States killed by the vessels of each fleet.

Mr. MURKOWKSI. Mr. President, I rise to offer an amendment relating to a recently concluded agreement with Japan on driftnet fishing in the North Pacific. The amendment has the support of my fellow Alaskan Senator STEVENS, of the distinguished chairman of the Commerce Committee, Senator HOLLINGS, and of my friends and colleagues Senators ADAMS and GORTON of Washington State, Senators HATFIELD and PACKWOOD of Oregon, and Senator KERRY of Massachusetts.

The effect of the amendment, Mr. President, is to put the administration on notice that, in 1990, the Members of the Senate expect: First, all vessels of Japan's driftnet fleets will be required to carry position transmitters; and second, Japan will be required to accept enough on-board observers to gather statistically reliable data on the death of United States marine resources during driftnet fishing operations.

The language before you amends a section of the bill that I offfered as an amendment during markup in the Foreign Relations Committee. That section also addressed the need for position transmitters and a comprehensive observer program, and called on the administration to study needed changes in the U.S. policy toward boarding foreign fishing vessels on the high seas.

Let me reflect for a moment on the history of this issue. Driftnet fishing, Mr. President, is one of the most environmentally destructive forms of harvest known to us today. Imagine a wall of death circling the world—invisible to its prey, and completely indiscriminate in its slaughter of a huge variety of marine animals in addition to the targeted species—salmon, squid, birds,

seals, dolphins, other fish—the list is far too long to recount.

Or imagine instead, that same wall of death stretching from Seattle to Boston—then to New York City, then back to Portland, OR, then east again to Washington, DC, and back to San Francisco, and then to Atlanta, and west again to Los Angeles. Now double that, and you have some idea of the extent of this fishery. Throughout most of the year, Mr. President, upwards of 30,000 miles of these nets are put into the waters of the North Pacific every single day.

Further, Mr. President, the extraordinary efficiency of driftnet fishing makes it possible to intercept and harvest millions upon millions of salmon and steelhead trout bound for the rivers and streams of the United States. These are fish of tremendous recreational and commercial value to the citizens of the United States, and which remain under U.S. jurisdiction as long as they are not inside another country's exclusive economic zone. The harvest of these fish is—in a word—piracy.

The resulting economic loss is almost impossible to calculate. Last year, for example, the fishermen of one small town in southeast Alaska—Ketchikan—lost approximately $36 million due to the interception of returning U.S. salmon. Estimates are that the community as a whole may have suffered over $100 million in economic impact. However, take the fishermen's losses and multiply them by the National Fisheries Institute's estimate that each dollar of U.S.-harvested fish is worth $7 to the U.S. economy as a whole, and we may be looking at an impact of over $250 million. That's one town. Our total losses, affecting virtually every city on the west coast, affecting sport fishermen as well as commercial harvesters, and affecting all of the other U.S. resources intercepted in these fisheries, simply cannot be reliably calculated.

It was because of the destructive potential of driftnet fishing that Congress passed the Driftnet Impact Monitoring, Assessment and Control Act of 1987. That Act called on the Administration to negotiate agreements with the countries that allow this type of fishing. There are only three: Japan, Taiwan, and South Korea. These agreements were to serve two major purposes: First, to gain a better understanding of the biological impact of the fisheries by providing for statistically reliable monitoring; and second, to provide for effective, cooperative enforcement against illegal fishing.

So far, negotiations have been concluded with Japan and Taiwan. The ad referendum agreement with Taiwan does not provide everything we could have wished, particularly for 1989, but it does, at least, contain firm commitments for 1990. Among those are a pledge to require position transmitters on all vessels and a pledge to develop statistically reliable monitoring programs centering on the use of observers on fishing vessels. Both of these measures are vital.

However, the agreement with Japan is terribly flawed in the opinion of myself and a number of my colleagues. I will not recount its entire history here, but simply note that despite the recommendations of several Members of Congress and opposition from many U.S.-industry advisers, the U.S. negotiators have failed to dot the "i's" and cross the "t's". Neither statistically reliable data nor effective enforcement are provided for 1989, and both are absolute requirements.

The administration, however, has argued that the agreement should not be examined solely in light of the 1989 provisions, but that it is a multi-year exercise in which the requirements of the Driftnet Act will be met in 1990 and beyond.

Mr. President, I want to make my position perfectly clear. My ultimate goal is the complete and total eradication of this type of fishing from the world's oceans. However, this was not the purpose of the Driftnet Monitoring Act, and it is not the purpose of this amendment. This is not an exercise in Japan-bashing. I fully recognize and applaud the efforts that the Government of Japan has made to control imports of illegally taken salmon, and its many contributions to our knowledge of the North Pacific through its membership in the International North Pacific Fisheries Commission.

However, the fact is that our agreement with Japan does not ensure that the elements addressed in this amendment will be in place for 1989, and I tell you frankly, they must be in place.

Mr. President, I understand that the amendment has been cleared on both sides, and I ask that it be accepted.

Mr. PELL. If the Senator will yield.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. The Senator will be informed that there is one Senator on this side who would want to clear the driftnet amendment. I must ask his indulgence, if he would like to move on to the other amendment that he has, the one on the terrorism, we could take that right now.

Mr. MURKOWSKI. I will be happy to move on.

I ask unanimous consent that Senator HELMS be placed on my driftnet amendment at this time as well. It is my understanding that the floor manager would like me to set aside the driftnet amendment pending clearance on his side and proceed to the remaining amendment on terrorism.

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 287

(Purpose: To increase the amount of rewards for combatting terrorism)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 287.

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

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

The amendment is as follows:

At the end of the bill, add the following new section:

SEC. 915. INCREASING AMOUNT OF REWARDS FOR COMBATTING TERRORISM.

Section 36(c) of the State Department Basic Authorities Act of 1956 is amended by striking out "$500,000" and inserting in lieu thereof "$2,000,000".

Mr. MURKOWSKI. Mr. President, the amendment I am offering today is fairly straightforward and I believe it has been cleared by the bill managers and is supported by the State Department.

It is intended to strengthen the hand of the United States in combatting international terrorism by increasing the maximum per incident award for information leading to the arrest and conviction of individuals engaged in terrorist acts against the United States from $500,000 to $2,000,000.

Increasing the statutory cap will encourage individuals with knowledge concerning past terrorist acts against the United States, such as the tragic bombing of Pan Am flight 103, to step forward and provide such information. In addition, it will be a powerful deterrent to future terrorist acts.

Mr. President, the Counter Terrorism Task Force headed by State Department has indicated that raising the statutory cap will greatly enhance their ability to obtain information needed to conclude ongoing investigations and would act as an effective deterrent.

The inadequacy of the current cap, especially as an incentive to bring terrorists to justice was initially brought to my attention by Capt. Bruce Smith of Alaska. Captain Smith is a Pan Am pilot from Alaska. His late wife Ingrid was on flight 103. Since December 21, Captain Smith has immersed himself in activities to bring the perpetrators of the 103 bombing to justice.

I commend Captain Smith for bringing the inadequacy of current law to the attention of the public and to this body, I share his desire to see the perpetrators of this horrendous act brought to justice. I might add that Captain Smith is also actively involved

in an effort to raise private matching funds for any reward the United States could offer to apprehend the perpetrators of the Pan Am 103 bombing.

While this amendment does not address such privately raised funds, it is my sincere hope that the State Department and the Counter Terrorism Task Force will work with Captain Smith, and other private individuals, in their efforts to establish a private matching fund.

I believe this is a good amendment, I hope my colleagues will support it. I think it raises the amount sufficiently to deter the terorrist activities that we have seen in the past.

I yield the floor.

Mr. PELL. Mr. President, I think this is an excellent amendment. We support it on this side, and I would add that the objection to the driftnet amendment is being withdrawn and we are ready to move on that.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 287) was agreed to.

Mr. MURKOWSKI. The request is, as I understand it, would be that the proposed driftnet amendment which I had laid aside, is to be called up at this time; is that correct?

Mr. PELL. That is correct.

VOTE ON AMENDMENT NO. 286

The PRESIDING OFFICER. The question is on agreeing to amendment 286.

The amendment (No. 286) was agreed to.

Mr. PELL. I move to reconsider the vote by which the amendments were agreed to.

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

The motion to lay on the table was agreed to.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 288

(Purpose: To repeal section 404 of (P.L. 101-45)

Mr. D'AMATO. Mr. President, I ask unanimous consent that the pending amendment No. 269 be temporarily laid aside so that I may be permitted to offer an amendment on drugs and public housings on behalf of myself, Senators MOYNIHAN, REID, DIXON, MACK, HEINZ, GRASSLEY, SPECTER, HELMS, PRESSLER, and I believe Senator BYRD.

Mr. President, this legislation corrects an error that was made in the adoption of the 1989 dire supplemental appropriations bill, Public Law 101-45, in late June. The fact is that inadvertently legislation, section 404, was passed which essentially makes it impossible for the eviction of drug dealers from public housing. It is rather easy to see how this could come about in an attempt to protect legitimate rights of tenants who face an eviction proceeding.

The language added, as section 404 and I read it to you, said that the authority may bring about these eviction proceedings as long as the evictions of a household member involved in drug-related criminal activity shall not affect the right of any other household member who was not involved in such activity to continue tenancy.

What this means to housing authorities is that if they proceed to evict a tenant involved in drug-related activities, for example, drug sales being generated in an apartment, and there is maybe one other person or even a child who would be evicted, then the eviction proceedings would come to a virtual standstill.

What, in essence, that legislation did was make it more difficult to evict a drug dealer than a person who fails to pay his rent.

I received numerous communications from our public housing authorities throughout the country. The public housing authority in New York wrote to me indicating their strong objection to section 404. They have approximately 50,000 or more units impacted.

A letter from Secretary Kemp indicates that section 404 essentially will force public housing authorities to provide, number one, administrative hearings that go well beyond that which is necessary because we have States which now are certified as providing these due process and, second, as a result of the section 404 language, will literally make the eviction of drug dealers impossible.

Senator REID and Senator MOYNIHAN join me in this. Senator DIXON, who has large public housing complexes in his State, joins me.

I certainly do not think that we wanted to thwart that which the Congress, Senator MOYNIHAN and I drafted in our drug legislation, section 5101 of the drug bill, which provided that each public housing agency shall utilize leases which provide that a public housing tenant can be evicted for drug related criminal activity.

We specifically put that into the drug bill this past year.

What 404 does is thwart that completely.

I hope we could deal with this expeditiously and I request its adoption.

Mr. President, I ask unanimous consent to print in the RECORD a letter, dated July 5, 1989, to me from Emanuel P. Popolizio, chairman of the New York City Housing Authority.

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

NEW YORK CITY
HOUSING AUTHORITY,
New York, NY, July 5, 1989.

Re section 404 of the Dire Emergency Supplemental Appropriations Act of 1989.

Hon. ALFONSE M. D'AMATO,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR AL: I am writing to express the alarm of the New York City Housing Authority regarding a clause added to Section 404 of the FY89 Supplemental during the final moments of its passage.

The practical impact of this clause actually prohibits the Nation's public housing authorities ("PHAs") from effectively evicting drug dealers and users from public housing. I cannot believe that Congress intended this result.

Allow me to explain.

Last November, Congress recognized that there is a specific duty to provide public housing that is not only decent and safe—but also free of illegal drug activity. See, Section 5122(i) of the Anti-Drug Abuse Act of 1988, 42 U.S.C. 11901(i). To effectuate its finding, Section 6(l) of the Housing Act of 1937 ("the Act") was amended with the addition of a new Subparagraph 5, authorizing the eviction of public housing tenants and members of their households who engage in drug-related criminal activity. Section 5101(3) of the Anti-Drug Abuse Act of 1988, 42 U.S.C. 1437d(l)(5).

On April 20, 1989, Secretary Kemp issued a Notice requiring PHAs to amend their current leases by adding provisions consistent with the new statute. See, 54 Fed. Reg. 15998.

We viewed Section 5101 of the 1988 Drug Act as a major new weapon. Now it has been blunted by hastily conceived language that has impacts never imagined by its sponsors. As expressed by Congressman David Dreier, a member of the House Subcommittee on Housing and Community Development, on the floor of the House:

"Unfortunately, the modification of the general provisions of the conference report—section 404(b)—has the effect of tying Secretary Kemp's hands. It is a garbled provision * * * which will deal a devastating blow not to drug traffickers but to those it was intended to protect—the innocent neighbors and tenants who must continue to be victimized by drug dealers.

* * * * *

"Although I am certain that those proposing this modification [Section 404] do not intend for this language to in any way overrule any provision of the 1988 Anti-Drug Abuse Act of 1988, * * * Unfortunately, their drafting may not adequately reflect this."—Congressional Record at page H3121 (June 23, 1989).

This Authority is not new to the fight against drug abuse. I daresay, most public housing authorities have been in the forefront of this fight—though faced with numerous administrative and financial obstacles. But we have used initiative and our limited resources to thwart this menace.

The final moments in the passage of a bill is not the time to get tough on drugs or drug dealers by hastily drafted language on a subject such as drug-related evictions from public housing—something which has had a long and involved history. This Authority seeks the repeal of this ill-considered legislation and asks that you join us in that effort.

We cannot believe that the Appropriations Conference intended to halt efforts by

housing authorities and public housing residents to expeditiously rid their communities of drug abusers who threaten the safety of residents and housing employees. Yet, that is the result which Section 404 will have.

Secretary Kemp's report to Congress on the impact of HUD's lease and grievance procedure on the ability of PHA's to evict or take other actions against drug abusers, required by Section 5103 of the 1988 Drug Act is due shortly. His report could serve as a basis for thoughtfully considering further action in this area.

I therefore ask your support for the immediate and swift repeal of Section 404 of the FY89 Supplemental.

Sincerely,

EMANUEL P. POPOLIZIO,
Chairman.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. D'AMATO. I yield.

Mr. BYRD. Mr. President, I received a letter from the two Senators from New York, the distinguished Senators DANIEL PATRICK MOYNIHAN and ALFONSE D'AMATO, dated July 14, in which they called attention to the provision that has been added to the Dire Emergency Supplemental Appropriations Act.

I have also received a letter from the Secretary of the U.S. Department of Housing and Urban Development, the Honorable Jack Kemp, calling attention to this matter.

I am aware of the adverse effects of section 404 of the Dire Emergency Supplemental Appropriations Act on Secretary Kemp's ability to move expeditiously in dealing with public housing tenants who are involved in drug offenses.

This adverse impact was unintentional. It was my understanding that HUD was provided with a copy of the final conference report language several days prior to the adoption of the conference report by the House and Senate.

I am strongly committed, as I am sure Senator MIKULSKI is strongly committed, she being the chairman of the VA, HUD, and Independent Agencies Appropriations Subcommittee, to eliminating drugs from our country, including that abuse that exists in public housing.

I regret that the Department of HUD did not comment on their concerns prior to the enactment of the supplemental, prior to the adoption of the conference report.

The original Senate-passed section 404 was little more than a restatement of existing law with the added requirement that Congress be notified in the process. Once the House and Senate conference on the provision met, the House Banking Committee insisted on modifications to the original Senate language. That was subsequently incorporated into the final conference report.

The Banking Committee staff had indicated that these changes would not significantly alter the effect or intent of the original Senate language.

Once the provisions were finalized the staff of the Appropriations Committee notified the Department of HUD's budget office of the changes made by the conference when the conference report was filed.

The Budget Office in turn informed the Office of Legislation and Congressional Relations of these changes shortly after the conference report was filed.

This notification occurred several days prior to the action on the conference report by either House and left plenty of opportunity for the Department of HUD to outline its opposition to the conference changes. So, it was certainly done unintentionally. The adverse impact is recognized.

But I just wanted to state for the record that the Department of Housing and Urban Development had been notified of these changes of this legislation and that it had not taken advantage of the opportunity to outline its opposition.

So, I concur in the action that is being taken here, and with that explanation for the RECORD, I am happy to join in cosponsoring the amendment and in supporting the amendment, and I am confident that Senator MIKULSKI is aware of the amendment, and I know of her strong support for dealing with drug abuse in public housing and eliminating drugs from the country. So, I cannot presume to speak for her, but I have a feeling that she would also support the action.

I compliment the Senator and thank him and Senator MOYNIHAN for writing to me about the matter.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO], for himself, Mr. MOYNIHAN, Mr. GRASSLEY, Mr. SPECTER, Mr. REID, Mr. DIXON, Mr. BYRD, Mr. MACK, Mr. HEINZ, Mr. PRESSLER, Mr. MURKOWSKI, and Mr. HELMS, proposes an amendment numbered 288.

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

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

The amendment is as follows:

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

SEC. . Section 404 of title IV—General Provisions, of the Dire Emergency Supplemental Appropriations and Transfers, Urgent Supplementals, and Correcting Enrollment Errors Act of 1989 (P.L. 101-45) is repealed.

Mr. D'AMATO. Mr. President, I thank the chairman of the Appropriations Committee for lending his support to this effort.

I wish to thank Senator MOYNIHAN for his strong support.

I ask unanimous consent that the letter which I have submitted to Senator BYRD, chairman of the Committee on Appropriations, on behalf of Senator MOYNIHAN and myself be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, July 14, 1989.

Hon. ROBERT BYRD,
Committee on Appropriations,
U.S. Senate, Washington, DC.

DEAR ROBERT: It has come to our attention that a provision was added to the Dire Emergency Supplemental Appropriations Act of 1989 [Sec. 404] moments before its passage which will dramatically limit Secretary Kemp's ability to waive Federal administrative grievance procedures when a jurisdiction otherwise meets due process standards for tenants involved in a drug offense.

During our negotiations last year to develop a comprehensive response to the drug crisis, we carefully negotiated a provision, which was included in the "Anti-Drug Abuse Act of 1988" (PL 100-690) [Sec. 5101], which allowed Public Housing Authorities to expedite the evictions of tenants who were known to be involved in criminal drug activity.

There are no easy solutions to the drug epidemic. Its ravaging effects are apparent throughout the country but they are nowhere more obvious than in the public housing projects within New York City and other urban areas. We must do all that is possible to insure that tenants are safe from the violence associated with drug use. Mothers and children are not safe from the random violence surrounding them. Indeed, they are often its innocent victims.

We would hope that you would support us in our efforts to repeal this provision as negotiations continue on the FY 1990 appropriations bill.

Thank you for your attention to this request.

Sincerely,

ALFONSE D'AMATO.
DANIEL PATRICK MOYNIHAN.

Mr. MOYNIHAN. Mr. President, I am pleased to join my colleague, Senator D'AMATO, in cosponsoring an amendment to the State Department authorization bill, S. 1160, which will undo what was done, in haste and with ill-conceived consequence, during the final hours of the debate on the 1989 dire emergency supplemental appropriations bill. During those deliberations, a provision was added, section 404, which has weakened the impact of the Anti-Drug Abuse Act of 1988.

Section 404 has undone the eviction provision of the drug law—a provision which I wrote and which was a part of our effort to develop a comprehensive and effective response to the drug epidemic.

Today, we seek to restore the intent of the provision we included in the drug bill, one which we carefully negotiated, which allows public housing authorities to expedite the evictions of tenants who are known to be involved in criminal drug activity.

The 1988 drug law, for the first time, permitted expedited procedures by which public housing authorities could evict drug users. Don't let it be said

that we didn't get tough. We drew the line. We insisted on accountability. No longer would we subsidize violence and criminal activity in public housing. We sought to put an end to the terror families face when they leave their homes.

Indeed, we were reacting to an epidemic which, if left unchecked, will result in nearly unimaginable social upheaval. Where the heroin epidemic of the 1960's gave us the one-parent family, the crack epidemic of the 1980's will give us the no-parent child; 51 percent of young addicts admitted to treatment in New York are female.

Most of us are now aware of the effects of this epidemic. But few know it better than those families who live in New York City's public housing.

I sought a careful balance between the use of law enforcement and the availability of treatment in our legislation as a means to end the growth and spread of this epidemic.

I, too, recognized that many innocent families were and continue to be violently affected. Public housing projects have become war zones. Reaching into them to offer the availability of treatment, a helping hand, is nearly impossible given the levels of violence there.

With the adoption of this amendment we restore to public housing authorities the discretion to expedite proceedings against drug criminals.

Mr. DIXON. Mr. President, I am pleased to support this amendment to S. 1160 which would repeal title IV, section 404, of the recently enacted Dire Emergency Supplemental Appropriations Act (Public Law 101-45).

Section 404 was intended to assure that due process standards are met for tenants of public housing who are being evicted for drug-related criminal activities that threaten the health and safety of other tenants and housing authority employees. In addition, section 404 was intended to ensure continued tenancy for other innocent household members who were not involved in the criminal activity.

However, as I understand the dilemma, section 404 forces local housing authorities to provide administrative hearings prior to eviction of drug criminals, even when the hearings duplicate and delay due process eviction procedures in State courts. Therefore, it becomes harder and delays the process for housing authorities to evict tenants for drug-related criminal activities.

While I want to make sure that every American citizen is guaranteed due process, I believe that the requirements under section 404 add unnecessary protection for the drug criminal—protection that is not provided during any other public housing eviction procedure.

The repeal of section 404 in no way denies anyone due process protection. Instead, State courts continue to be available for eviction challenges. This repeal only makes available to housing authorities the same tools that are provided to other private landlords.

Mr. President, I have heard from a number of housing authorities in Illinois regarding this issue. Each has expressed strong opposition to section 404 and a concern for the detrimental effect that the provision has on efforts to rid public housing units of drug-related crime.

I urge my colleagues to support this amendment.

Mr. REID. Mr. President, I rise in support of the D'Amato amendment to delete section 404 of the Supplemental Appropriations Act for fiscal year 1989. While I do not believe the State Department authorization bill is the appropriate vehicle for this repeal amendment, I do believe it is important for the Senate to go on record in opposition to the provision.

It is important for my colleagues to understand how we arrived at this point. When the original provisions of section 404 of the Supplemental Appropriations Act were included in the Senate bill, they represented an effective tool to fight the drug war. The Drug-Free Public Housing Act, as it was known, required HUD to complete a review of due process protections included in State and local eviction laws to determine if public housing authorities could abide by these laws rather than their restrictive Federal counterparts. HUD was given only 6 months to complete this review and report its findings to Congress. There is no doubt that upon completion of this review, the eviction of drug-related offenders from PHA's would have been greatly expedited. Unfortunately, the original intent of the Drug-Free Public Housing Act was altered during the conference; altered to the point where it has the opposite effect of its original intent. As section 404 was adopted into law, it makes the eviction of drug offenders nearly impossible.

For this reason, section 404 should be repealed and repealed quickly. This Senator is second to none in his desire to rid public housing authorities of drug offenders. Tenants of these facilities have as much of a right to a safe living environment as do citizens at large. The State Department authorization bill is the first bill that has come before the Senate offering an opportunity to attach a repeal amendment. But it is not the proper vehicle and may slow efforts to repeal section 404.

The proper vehicle for repeal of this provision is the HUD appropriations bill. The House HUD Appropriations Subcommittee has already included repeal language in its bill. I know the Senate Subcommittee is willing and eager to include repeal language in its bill. Furthermore, the Senate bill is scheduled to be marked up early next week and will probably go to conference before the August recess. By addressing this problem through the Appropriations Committee, the committee with jurisdiction in this case, the problem will be resolved in short order. In contrast, pursuing repeal through the State Department authorization bill may slow the process.

First, it is unlikely the conferees on the State Department bill will accept this nongermane amendment. The conferees have plenty of contentious issues to resolve, they do not need to debate any other issues regardless of merit.

Second, the State Department authorization bill is always very controversial. It is the focal point of executive/legislative battles over control of our Nation's foreign policy. Even should the conferees accept this amendment, months may pass before a bill acceptable to both Houses is hammered out.

I appreciate the efforts of my colleague from New York to address this important issue. The Senate should be aware of section 404 and the urgent need to repeal it. As I said earlier, I strongly support efforts to repeal section 404 and hope this one is successful. But I fear it will not be. This is unfortunate, because next week the Appropriations Committee will mark up a bill providing a sure route to repeal.

Mr. D'AMATO. Mr. President, I urge adoption of the amendment, if there is no objection.

Mr. PELL. Mr. President, this amendment does have support from both sides of the aisle, and I think we should support it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

The amendment (No. 288) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 289

Mr. GORE. 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 legislative clerk read as follows:

The Senator from Tennessee [Mr. GORE] proposes an amendment numbered 289.

At the appropriate place insert: "It is the sense of the Senate that the President should limit political appointments to the position of United States Ambassador to 30 percent, as a means to promote professionalism in American diplomacy. It is the further sense of the Senate that the President should establish a bipartisan review board for the purpose of prescreening all potential nominees for the post of ambassador, and

that the members of such a board should be selected in consultation with Senate leadership of both parties."

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GORE. Mr. President, let me note several changes in the amendment which is presently before the Senate as compared to the amendment which was considered yesterday by the Senate and not adopted.

First of all, the percentage in the amendment yesterday, the limitation on political appointments by the President to senior State Department positions and as ambassadors, was a limit of 15 percent. That limitation has been increased to 30 percent because a number of my colleagues made the sensible point that past practice has never seen a figure as low as 15 percent. I continue to believe it would be in the Nation's interest to have a limitation of 15 percent, but in recognizing what practice has been even in the best of times, I propose in this amendment to raise the figure to 30 percent.

The second change is that the limitation will apply only to ambassadors and not to senior positions within the Department of State. The earlier amendment included the positions within the Department of State because we have seen in the last few months the unprecedented appointment of political people to the post of deputy assistant Secretary, for example, which really has not been done in the past, at least not to my knowledge.

But this new amendment recognizes that in appointing people to the Department of State the President will have under this amendment more discretion than he would have under the last amendment.

The third change is that this is a sense-of-the-Senate amendment which would make a strong statement by the Senate yet would not have the binding figure that was in yesterday's amendment.

The fourth change is that the amendment would establish a bipartisan review board for the purpose of prescreening all potential nominees for the post of ambassador and that the members of such a board would be selected in consultation with the Senate leadership in both parties.

Let me briefly, Mr. President, discuss yesterday's debate and discuss this new approach to the problem.

To begin with, yesterday I found it surprising that there was conspicuously little defense of the actual pattern of nominations for these high-ranking positions. Perhaps that is because all of us in both parties really are uneasy and embarrassed by the kinds of appointments that have been made in the last few months. If so, that is reassuring because we should have those feelings. It is not just a question of the occasional candidate whose credentials are grossly inadequate. It is our realization that the well being of our country really does depend more on the astuteness of our diplomats now than at any time since the very earliest days of the Republic. Not since then have we been so vulnerable in our lives here to decisions taken in other capitals around the world.

We also realize that American interests can be strongly affected not just by events in the major power centers but in smaller countries as well. Our ability to deal with the drug trade, for example, depends upon the good will and cooperation of the Caribbean democracies. Increasingly, we know that there are fewer and fewer inconsequential places in the world.

Nevertheless, even though many of my colleagues share all these perceptions, most felt that the proposed remedy was too severe. Some felt that we simply should not constrain political appointments to a percentage of the total. Others thought that the stated percentage in the amendment was too severe. Quite a few believed that the issue is not whether an appointment is political as such but, rather, the quality of the appointment. Many felt that the Senate ought to address this problem by changing its own practices; for example, by rejecting a few inferior nominations rather than by trying to impose change on the President.

Let me address those points. First of all, as I said on the floor yesterday, the President does not have a constitutional right to place whomever he wishes in positions of authority without interference from the Congress. That point was made in law when the civil service was created. The same debate took place then at a time when there was unprecedented abuse in using patronage for filling virtually every position throughout the Government. The civil service was established by the Congress and this innovation curtailed the previous custom of Presidents in using patronage throughout the executive branch.

Congress clearly has constitutional authority of the broadest kind to make rules for the Government and it has used that authority long and often even in the matter of diplomatic assignments.

Second, as for the issue of a cap at 15 percent rather than some higher number, I said yesterday that the number chosen in the previous amendment was based on a rough-cut view of practices in the civil service and that I was open to alternatives.

Although colleagues who may have read the recent Thomas Commission report will note a call there for capping political appointments at 12 percent, 12 percent of a somewhat larger base, historically the Foreign Service has done no better in modern times than about 70 percent of ambassadorial positions and that was under the Carter administration. So perhaps the cap should be set at 30 percent. That would be better than things have been for a long time.

I certainly agree with those of my colleagues who said that part of the solution is for the Senate to become less tolerant of blatantly inferior nominations. But even were we to do so and to more or less predictably turn those nominations down, it would only be a partial solution to the problem we face. It is not just the problem of the occasional candidate who is grossly inappropriate. It is the long-term effect of having a large proportion of key assignments preempted by political appointees, this to the detriment of the Nation's requirement for a solid corps of professional diplomats.

This cannot be addressed by greater selectivity in the Senate. It needs a change of policy.

At any rate, I rise today to offer a kinder and gentler alternative in the form not of a hard cap of 30 percent, much less 15 percent, but rather a sense-of-the-Senate resolution which calls upon the President to do two things: First, to aim for a maximum of 30 percent political appointments to ambassadorial positions; less if possible, but a maximum of 30 percent. Second, to create a bipartisan review panel whose members would be selected in consultation with Senate leadership for the purpose of prescreening all potential nominees for the position of ambassador and of advising the President on these. The precedent for such a panel was set in the Carter administration. I believe very strongly that if it were established and made to work well it would indeed be a service to the country.

So, in conclusion, Mr. President, I want to ask my colleagues on both sides of the aisle to support this amendment. It is a sense-of-the-Senate resolution. It does call upon the President to meet a guidance that is higher and more flexible than the one in yesterday's amendment. It does limit the guidelines' application to ambassadorial appointments and not to positions within the State Department. And further, it would establish this bipartisan commission to assist the President and the Senate in its review of Presidential nominations in the task of selecting quality individuals with experience and ability of a kind necessary to conduct the Nation's business overseas.

(Mr. BYRD assumed the chair.)

Mr. SANFORD. Mr. President, will the Senator yield for a question?

Mr. GORE. I am delighted to yield to my friend, the Senator from North Carolina.

Mr. SANFORD. Do I understand the Senator is proposing an advisory committee to act on the credentials and propriety of appointments as ambassadors? Is that part of the Senator's amendment?

Mr. GORE. This calls upon the President to establish a bipartisan review board for the purpose of prescreening potential nominess for the post of ambassador, with the members of such board selected in consultation with the Senate leadership of both parties.

Mr. SANFORD. Does the Senator think that there might be a possibility that that would preempt the present responsibilities of the Senate Foreign Relations Committee?

Mr. GORE. In no way. This would take place well prior to the sending of a nomination.

Mr. SANFORD. Then it would be presumed, Mr. President, that the Senate Foreign Relations Committee, having had Members of this body on the screening committee, would have nothing to do but to rubber stamp it.

Mr. GORE. No. That is not the intention at all.

Presently, for example, the Judiciary Committee receives nominees to the Federal bench. It is common practice for nominees to be reviewed by a board of the American Bar Association, for example, and members of the Judiciary Committee have often said that in fulfilling their responsibilities to the Senate, in helping the Senate discharge its responsibiltiies under the Constitution, they have found it very useful to have the review of the screening panel in judging the qualifications of the nominee.

Mr. SANFORD. Mr. President, I am very familiar with the procedure of the American Bar Association, which is purely advisory. It may be accepted and it may not. But that is not made up of Senators. Here we are creating another senatorial body to do what, it seems to me, the Foreign Relations Committee is charged with doing and that is to screen nominees and to approve nominees. I could support this bill except for this provision.

Mr. GORE. If the Senator would yield further, I believe there is an inadvertent misunderstanding about the nature of the review board. It is not a senatorial body made up of Senators to pass on the suitability of nominees. Not at all.

This is a board to advise the President on his selection before that selection is made and before the nominee so selected is sent to the Senate. The board would not be made up of Senators. It would be made up, in consultation with the Senate leadership of both parties, of individuals selected by the President to advise him or her on the qualifications of nominations that he would then send to the Senate and then the Senate would continue to discharge its responsibilities using the same procedures as it currently uses.

Mr. SANFORD. Well, Mr. President, does the Senator feel that the President would accept such a restriction on his appointive powers?

Mr. GORE. First of all, it is not a restriction in any way. It is advisory in nature.

This amendment calls upon the President to set up such an advisory board, and there is precedent for such a board. Such a board was used in the Carter administration. Many believe that the existence of such a board represented one of the reasons why there was the highest percentage of professional appointments to the diplomatic service during the Carter administration.

It is not a restriction on the President's ability to appoint. It is advisory in nature.

Mr. SANFORD. Well, if the Senator will allow me one comment as distinguished from a question, it seems to me that the President has the authority now to seek all of the advice that he wants; that he would take very unkindly toward the Senate's telling him that he had to have an advisory committee. It seems to me that the advice of that advisory committee, having had the stamp of approval of the Senate, would pretty much preclude any real function for the Foreign Relations Committee in dealing with ambassadorial appointments, which is a very important part of the responsibility of that committee.

Mr. GORE. Mr. President, I do not see the impact of the amendment in those terms at all. Let us review the record one more time which leads to the debate on remedies for the problem that we are discussing here. Ambassadorial appointments are, in effect, being sold to the people who make the largest political campaign contributions. That hurts the national interest. There is an unprecedented abuse of that particular practice going on right now.

Are we concerned enough about it to do anything? We are in the political arena and we are in constant communication with political campaign contributors. So we are not babes in the woods. We know exactly what is going on in our diplomatic service right now.

We had a potential ambassador who made large contributions to the incumbent President when this President was a candidate who, evidently, had such assurances that she could be an ambassador as a result of those campaign contributions that she went out shopping to see to which country she would prefer to go to represent the citizens of the United States.

She looked at the school systems in the capital cities of various countries to see where her children would be happiest. Did she have expertise in all of the countries where she was shopping for the lifestyle that she would like to have there? Of course not. How did she have such assurance that she could pick whatever country she wanted on this list and go and live there? Because the Senate, the Presidency, the country as a whole has acquiesced in an unprecedented degree of abuse in selling off the diplomatic posts that are important as this country conducts its relationships with other countries around the world.

We are part of a global community now, a global economy now. We have problems that are international in scope: economic, political, strategic, environmental. And no other country in the world goes about the conduct of its foreign policy the way we do. No other country allows the person elected President to auction off the diplomatic positions on the basis of who has made the most campaign contributions during the preceding election campaign.

It is a disgrace that we allow this. What are we going to do about it? Are we going to remain silent? Look at the cartoon by the distinguished cartoonist Herblock in this morning's Washington Post. Look at the editorials around the country on this question.

We are politicians. Maybe that makes us less willing to see what the problem is. Again, let me note that there are a lot of political appointments to ambassadorial positions that have turned out to be great appointments. That practice can continue under this amendment. In fact, the President can continue doing what he is doing right now under this amendment. But I hope that if this amendment passes we will see a change, because the Senate will be on record as saying: We do not like the practice of auctioning off ambassadorial positions that are important to the conduct of America's foreign policy. And we will see a commission of the kind that was established during a previous administration to give the President some advice on the qualifications of potential nominees.

Mr. President, I feel very strongly about what is going on today. I do not think it is right and I think we have acquiesced in it, and I think that we ought to serve notice today that we will no longer routinely acquiesce in it and that quite apart from the qualifications of individuals nominees, the overall pattern is one that we want to see changed.

The administration itself, in reflective moments, is embarrassed by what they are doing. One of their senior officials was quoted, not by name, but quoted in an article yesterday as saying: Well, we hope by the end of this 4 years to reach a much higher level of professionalism in the diplomatic service and not have quite so many political appointments. They

know it is wrong. But they are under pressure from their campaign contributors.

We know how it works, Mr. President. The finance chairman or the campaign manager or somebody who has been raising money during the campaign gets a telephone call from a big contributor who says: "I would like Belgium," or, "I would like Honduras," or, "I would like some other country."

And then the political operative calls up somebody in the policymaking apparatus, or even the President himself, I do not know that, but I know basically how it works and they say, "Look, you remember so and so gave us a ton of money in the campaign and now he or she wants Belgium, wants to be our ambassador there."

The response might be, "Well, what qualifications?" "Well, I do not know, but they gave a ton of money."

This is not in the national interest, Mr. President. It is time for us to speak up and do something about it.

There are basically two parts of this amendment. One is the sense of the Senate on the percentage, as I mentioned before, and the other is the bipartisan review board. I note the concerns expressed by one of my colleagues. I have been in consultations with others. I, again, ask the Senate to adopt the amendment. So, again, Mr. President, I really hope that the Senate can go on record today as being opposed to the unprecedented degree of political abuse in the appointment of ambassadors who are so important to the conduct of the foreign relations of this country.

AMENDMENT NO. 290 TO AMENDMENT NO. 289

Mr. GORE. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. GORE] proposes an amendment numbered 290 to amendment numbered 289.

At the appropriate place insert: "is the sense of the Senate that the President should limit political appointments to the position of United States Ambassador to 30 percent, as a means to promote professionalism in American diplomacy.".

Mr. GORE. Mr. President, this is a second-degree amendment that modifies the pending amendment to delete the bipartisan review board. I think the review board is a good idea, but as a way of gaining support for the amendment and in hopes of gaining a majority for the amendment, I ask the adoption of the second-degree amendment modifying it, which would mean the remaining first-degree amendment is a sense-of-the-Senate expression adopted as an amendment to this bill that the President of the United States should limit political appointments to the position of U.S. ambassador to 30 percent.

The PRESIDENT pro tempore. The Senator from Rhode Island [Mr. PELL] is recognized.

Mr. PELL. Mr. President, on behalf of the majority leader, I ask unanimous consent that the vote on the pending Gore amendment occur at 12 noon today.

The PRESIDENT pro tempore. The yeas and nays have not been ordered on the second-degree amendment. To which amendment does the Senator refer?

Mr. PELL. The Chair is correct. We are talking about the second-degree amendment. The yeas and nays have not been asked for. I am sure the sponsor wants them asked for.

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

The PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. PELL. Mr. President, on behalf of the majority leader, I ask unanimous consent that the vote on the pending Gore second-degree amendment occur at 12 noon.

Mr. HELMS. Mr. President, reserving the right to object, and I probably shall not, would the Senator be willing to modify that to no later than 12 o'clock because people who are now at the White House may be back earlier.

Mr. PELL. Mr. President, that is acceptable.

The PRESIDENT pro tempore. So what is the request?

Mr. PELL. So the vote on the pending Gore amendment will occur no later than 12 o'clock noon.

The PRESIDENT pro tempore. Is there objection to the request?

The Chair hears no objection. That is the order of the Senate.

The Senator from Rhode Island, Mr. PELL.

Mr PELL. Mr. President, I have four amendments which I believe are acceptable on both sides of the aisle.

Mr. HELMS. Mr. President, I ask unanimous consent that the amendments be temporarily laid aside.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Rhode Island.

Mr. PELL. The Senator is quite correct.

AMENDMENT NO. 291

(Purpose: To express the sense of the Congress concerning the aspirations of the people of Soviet Armenia for a peaceful and fair settlement to the dispute over Nagrono-Karabagh)

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

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL], for himself, Mr. SIMON, Mr. LEVIN, Mr. PRESSLER, Mr. CHAFEE, Mr. BUMPERS, Mr. MCCAIN, and Mr. WILSON, proposes an amendment numbered 291.

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

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following:

SUPPORT FOR THE PEOPLE OF SOVIET ARMENIA

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the people of the United States have strong historical and cultural ties with the people of Armenia.

(2) the Armenian people have been subjected to ethnic discrimination, cultural oppression and economic adversity.

(3) portions of Armenia were totally devastated by a massive earthquake on December 7, 1988, where, according to official Soviet reports, more than 25,000 Armenians were killed, more than 100,000 were injured, more than 500,000 were left homeless, and tens of thousands of children were orphaned.

(4) the Government and the people of the United States strengthened their commitment to Armenia by assisting in the immediate relief effort and in the overall reconstruction of those areas affected by the earthquake.

(5) in the face of such hardship and adversity, the Armenian people continue to exhibit their strong will and resilience.

(6) the current status of the region of Nagorno-Karabagh is a matter of concern and contention for the people of the Armenian and Azerbaijani Soviet Republics.

(7) The Soviet Government has termed the killings of Armenians on February 28–29, 1988, in Sumgait Azerbelijan "pogroms."

(8) the Special Administrative Committee set up by the Soviet Government to stabilize the Nagorno-Karabagh region has proven ineffective in that mission, giving rise to further dissatisfaction among the Karabagh Armenians, who constitute the overwhelming majority in the region.

(9) the Karabagh Committee, spokespersons for the popular movement in Armenia, had been jailed for nearly six months before their release on May 31, 1989.

(10) continued discrimination against Karabagh Armenians and the uncertainty about Nagorno-Karabagh have led to massive demonstrations and unrest in this area that are continuing to this day.

(b) SENSE OF THE CONGRESS.—It is the sense of the Senate that the United States should—

(1) continue to support and encourage the reconstruction effort in Armenia.

(2) encourage Soviet President Gorbachev to continue a dialogue with the Armenian representatives to the Soviet Congress of People's Deputies.

(3) encourage Soviet President Gorbachev to engage in meaningful discussions with elected representatives of the people of Nagorno-Karabagh regarding their demands of reunification with the Armenian homeland and with the leadership of Armenia's prodemocracy popular movement which includes the recently released Karabagh Committee.

(4) promote in its bilateral discussions with the Soviet Union, an equitable settlement to the dispute over Nagorno-Kara-

bagh, which fairly reflects the views of the people of the region.

(5) urge in its bilateral discussions with the Soviet Union, that investigations of the violence against Armenians be conducted at the highest level of the Soviet judiciary, and that those responsible for the killing and bloodshed be identified and prosecuted.

Mr. PELL. Mr. President, this amendment incorporates the text of a resolution that I submitted on Friday, July 14, along with Senators SIMON, LEVIN, PRESSLER, CHAFEE, BUMPERS, MCCAIN, and WILSON.

The purpose of this amendment is to encourage a peaceful and equitable resolution of the controversy between the Soviet republics of Armenia and Azerbaijan over the status of the region of Nagorno-Karabagh. The area lies south of the Transcaucus mountains and has been administered by the Republic of Azerbaijan, despite the fact that more than 70 percent of the population is of Armenian descent.

The people of Armenia wish to promote a peaceful and fair settlement to the rioting and violence that the dispute has engendered. The amendment I am proposing expresses the sense of the Congress that the United States should press for a resolution of this matter in its bilateral discussions with the Soviet Union; that we should encourage the Soviet Government to meet with the elected representatives and popular leaders of the area in order to resolve the controversy fairly; and that the United States should continue its efforts to support the reconstruction of those areas destroyed by the earthquake in Armenia last December.

Mr. President, the dispute over Nagorno-Karabagh has cost the lives of more than 90 Soviet citizens during the last year. It is particularly important to act now. Just last week, press reports stated that three more people were killed in renewed ethnic strife, and the Armenian community in the United States is fearful that the violence will continue to escalate.

The United States, because of its longstanding relationship with Armenia, has a responsibility to promote an equitable settlement to the dispute. Accordingly, I urge my colleagues to support this amendment.

Mr. President, I ask unanimous consent that the Senator from Kansas [Mr. DOLE] be added as a cosponsor.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The senior Senator from North Carolina [Mr. HELMS].

Mr. HELMS. Mr. President, I commend the Senator on his amendment.

Mr. DECONCINI. Mr. President, I am pleased to sign the amendment offered by Senator PELL regarding the situation in Nagorno-Karabakh, which is inhabited both by Armenians and Azerbaidjanis. We have all watched the unfolding situation there with concern. The violence that has taken place, particularly in the city of Sumgait, is horrifying testimony to the level of emotion the issue excites and to its potential for uncontrolled escalation in the absence of wise and firm political leadership.

The continuing tension in Nagorno-Karabakh is all the more alarming in light of the recent rash of outbreaks of nationality-based violence elsewhere in the Soviet Union, most notably in the Central Asian republics and Georgia. All these developments demonstrate the urgent need for reasoned dialogue between the parties involved and the mediation of the central authorities. Clearly, the Soviet leadership under Mikhail Gorbachev understands the seriousness of these problems and we will be closely watching the proceedings of the special Central Committee Plenum on the nationality issue next week.

The years 1988 and 1989 have been extremely difficult years for Armenians. Apart from the agony surrounding Nagorno-Karabakh, the devastating earthquake in December 1988 left thousands dead, injured, homeless, and bereaved. The hearts of all Americans went out to the people of Armenia in their moment of grief and we continue to help in whatever ways we can as they go about reconstructing their lives.

Sadly, there is nothing we can do to prevent such natural disasters. We can and should, however, support all efforts to approach the difficult situation in Nagorno-Karabakh in ways that offer promise of finding a reasoned and balanced outcome. The amendment offered by Senator PELL and his call for dialog leading to a fair and equitable resolution of the conflict over Nagorno-Karabakh is especially timely, and I fully support it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 291) was agreed to.

Mr. PELL. Mr. President, I move to consider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 292

(Purpose: To enhance the capability of the Department of State to evacuate United States citizens)

Mr. PELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration. This amendment is offered on behalf of Senator ADAMS.

The PRESIDENT pro tempore. Without objection, the pending amendment will be laid aside temporarily. The Chair hears no objection.

The clerk will report.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. PELL], for Mr. ADAMS, proposes an amendment numbered 292.

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

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 28, between lines 5 and 6 insert the following new section:

SEC. 127. ENHANCEMENT OF EVACUATION CAPABILITY.

(a) Section of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4801(b)) is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by redesignating paragraph (5) as paragraph (6);

(3) by inserting after paragraph (4) the following new paragraph:

"(5) to set forth the responsibility of the Secretary of State with respect to the safe and efficient evacuation of United States Government personnel, their dependents and private United States citizens when their lives are endangered by war, civil unrest, or natural disaster; and"

(b) Section of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4802) is amended—

(1) by redesignating paragraphs (b) and (c) as paragraphs (c) and (d) respectively;

(2) by inserting after paragraph (a) the following new paragraph:

"(b) OVERSEAS EVACUATIONS.—The Secretary of State shall develop and implement policies and programs to provide for the safe and efficient evacuation of United States Government personnel, dependents and private United States citizens when their lives are endangered. Such policies shall include measures to identify high risk areas where evacuation may be necessary and, where appropriate, providing staff to United States Government missions abroad to assist in those evacuations. In carrying out these responsibilities, the Secretary shall:

(1) develop a model contingency plan for evacuation of personnel, dependents and United States citizens from foreign countries;

(2) develop a mechanism whereby American citizens can voluntarily request to be placed on a list in order to be contacted in the event of an evacuation or which, in the event of an evacuation, can maintain information on the location of American citizens in high-risk areas submitted by their relatives.

(3) assess the transportation and communications resources in the area being evacuated and determine the logistic support needed for the evacuation; and

(4) develop a plan for coordinating communications between embassy staff, Department of State personnel and families of U.S. citizens abroad regarding the whereabouts of those citizens."

Mr. PELL. Mr. President, this amendment is designed to enhance the State Department's evacuation capabilities during an emergency, such as the recent crisis in China. I believe it has been cleared on both sides. I urge my colleagues to support it.

Mr. HELMS. Mr. President, it has indeed been cleared on both sides.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 292) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 293

Mr. PELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration, and the laying aside of the amendment that is before us.

The PRESIDENT pro tempore. Without objection, the pending amendment will be laid aside temporarily.

The clerk will report.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. PELL], for Mr. CRANSTON, proposes an amendment numbered 293.

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

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

Add to end of bill S. 1160:

SEC. . IMPORTATION OF CERTAIN DEFENSE ARTICLES FROM POLAND AND HUNGARY.

(a) PERMISSIBLE IMPORTS.—The authorities of section 38 of the Defense Trade and Export Control Act may not be used to prohibit the importation into the United States, by a museum or educational institution described in subsection (b), of any defense article from Hungary or Poland if it—

(1) was manufactured at least 25 years before its importation into the United States;

(2) was imported into the United States before June 30, 1989;

(3) has been disabled so that no weapon or weapons system is functional; and

(4) is used only for display to the public by the museum or educational institution, for education purposes.

(b) QUALIFIED MUSEUMS AND EDUCATIONAL INSTITUTIONS.—Subsection (a) applies only to a museum or educational institution that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(c) DEFINITION.—For purposes of this section, the term "defense article" means a defense article designated under section 38(a) of the Defense Trade and Export Control Act.

Mr. PELL. Mr. President, I offer this amendment on behalf of the Senator from California [Mr. CRANSTON]. It is designed to allow aircraft more than 25 years old and which were imported from Hungary and Poland before June 30, 1989, to be used by museums. This amendment, too, I understand, has been cleared on both sides.

Mr. HELMS. This is the amendment involving Soviet aircraft; is that correct? Soviet bloc.

Mr. PELL. The Soviet bloc.

Mr. CRANSTON. Mr. President, this amendment, which I understand has been cleared with both managers of the bill, will address a problem encountered by the Chino Planes of Fame Air Museum, the oldest, independent, nonprofit flying aviation museum in the United States, located in Chino, CA.

The museum has a collection of over 70 aircraft, including many famous planes of the past that have been restored to their former glory. From an 1896 Chanute glider to a mock-up of an Apollo space capsule, from a Japanese Zero to a German ME-109, the Chino Air Museum's collection spans international aviation history.

Over a year ago, the museum purchased three aircraft from Poland and Hungary: a Soviet Mig-15, a Soviet Mig-17, and a Soviet-designed AN-2 biplane. The museum was thrilled at acquiring planes from Eastern Europe to add to its collection. Museum volunteers restored the planes, similar to planes flown against United States forces in Korea and Vietnam, and the planes are displayed prominently in a hangar. The planes are disarmed.

All the paperwork for these purchases was handled by a customs brokerage house and the aircraft were brought into the country without problem. Now, however, the Bureau of Alcohol, Tobacco and Firearms has come forward and determined that the aircraft were imported illegally because they are from Hungary and Poland. Unfortunately, the Defense Trade and Export Control Act prohibits the importation of military aircraft from certain countries, including Poland and Hungary. The Bureau is asking the museum to dispose of the aircraft.

Customs officials have conceded that they made a technical error when they allowed the planes into the country in the first place. The fact of the matter is that the planes are now here. They are prominently on display and they serve an important educational purpose.

Mr. President, this amendment would allow the Chino Air Museum to retain its aircraft. It does not overturn our munitions control regulations, nor are we setting a precedent for private collectors to argue for future imports of restricted munitions. The amendment explicitly makes an exception for museums or educational institutions that have imported defense articles, if the articles are at least 25 years old and were imported before June 30, 1989.

The Chino Air Museum has brought joy to thousands who have marveled at the history of flight and have learned about the role of aircraft in our own history. In order to help further this effort I urge my colleagues to support this amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 293) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 294

(Purpose: Relating to Burmese refugees and conditions in Burma)

Mr. PELL. Mr. President, I ask unanimous consent that the pending amendments be laid aside.

The PRESIDENT pro tempore. Without objection, it is so ordered.

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

The PRESIDENT pro tempore. Without objection, the pending amendments are laid aside. The Chair hears no objection.

The clerk will report.

Mr. PELL. This amendment is offered then on behalf of the Senator from New York.

The PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL], for Mr. MOYNIHAN, proposes an amendment numbered 294.

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

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 71, line 8, insert "AND BURMESE" after "TIBETANS".

On page 71, line 11, after "Tibet" insert ", and not less than 15 scholarships shall be made to Burmese students and professionals who are outside Burma".

On page 93, between lines 19 and 20, insert the following:

(g) ALLOCATION OF FUNDS.—Of the amounts authorized to be appropriated by section 104 for the Department of State for "Migration and Refugee Assistance", $250,000 shall be available only for assistance to displaced Burmese in India and Thailand.

On page 94, between lines 5 and 6, insert the following new section:

SEC. 504. REPORT REGARDING BURMESE STUDENTS.

(a) The Attorney General, in consultation with the Secretary of State, shall report to the Committees on Foreign Relations and Judiciary of the Senate within 30 days after the date of enactment of this Act on the immigration policy of the United States regarding Burmese pro-democracy protesters who have fled from the military government of Burma and are now located in border camps or inside Thailand. Specifically, the report shall include—

(1) a description of the number and location of such persons in border camps in

Burma, inside Thailand, and in third countries;

(2) the number of visas, parole applications, and approvals for such persons by United States authorities, and precedents for increasing such visa and parole applications in such circumstances;

(3) the immigration policy of Thailand and other countries from which such persons have sought immigration assistance;

(4) the involvement of international organizations, such as the United Nations High Commission for Refugees, in meeting the residency needs of such persons; and

(5) the involvement of the United States, other countries, and international organizations in meeting the humanitarian needs of such persons.

(b) The Attorney General shall recommend in the report any legislative changes he deems appropriate to meet the asylum, refugee, parole, or visa status needs of such persons.

(c) As used in this section, the term "prodemocracy protester" means any person who has fled from the current military regime of Burma since the outbreak of prodemocracy demonstrations in Burma in 1988.

At the end of the bill, add the following new section:

SEC. 915. EXPRESSING THE SUPPORT OF THE CONGRESS FOR FREE AND FAIR ELECTIONS IN BURMA.

(a) FINDINGS.—The Congress finds that—

(1) General Ne Win overthrew a democratically elected government in 1962, and established the Burma Socialist Program Party which ruled Burma until September 1988, when it was replaced by a military junta which continues to rule Burma;

(2) the Government of Burma has followed the "Burmese Road to Socialism" from 1962 until April 1989, a policy which has resulted in the indiscriminate seizure of private property, the demonetization of currency, and economic hardship for the Burmese people;

(3) on July 23, 1988, General Ne Win, called for a transition to a multi-party system of government;

(4) on July 17, General Sein Lwin became President of Burma, and popular demonstrations erupted throughout the country against his rule and his rejection of a referendum on a multi-party system of government;

(5) on August 3, 1988, General Sein Lwin declared martial law in Burma, imposing a curfew, press censorship, closing schools, and banning meetings of more than 5 persons;

(6) on August 8, 1988, the Burmese Army opened fire on peaceful demonstrators in Rangoon and other cities, killing many hundreds of persons;

(7) on August 11, 1988, the Senate unanimously adopted Senate Resolution 464, condemning the Government of Burma for gross human rights violations;

(8) on September 7, 1988, the House of Representatives unanimously adopted House Resolution 529, urging the restoration of democratic government in Burma;

(9) on September 18, 1988, General Saw Maung took power in Burma, establishing a military junta and ordering the Burmese Army to kill many hundreds of additional peaceful protesters, until such protests were forcibly halted;

(10) the United States, Canada, the European Community, Australia, and Japan, have withheld aid from the Government of Burma to protest the gross violations of human rights and to urge political and economic reform;

(11) on February 28, 1989, the President decertified Burma as a nation taking adequate steps to control narcotic trafficking;

(12) the United Nations Human Rights Commission adopted a resolution on March 8, 1989, expressing concern about human rights violations in Burma;

(13) on April 13, 1989, the President suspended trade benefits for Burma under the Generalized System of Preferences program because of worker rights violations;

(14) approximately 6,000 protesters, students, monks, and other civilians, sought refuge in the border camps of the National Democratic Front which represents ethnic minority insurgents, and in Thailand and India;

(15) Amnesty International has reported that the Government of Burma continues to arrest, torture, and kill civilian opponents;

(16) in May 1989, the Government of Burma refused an offer from the Government of Thailand to mediate an end to the civil war with the Democratic Alliance of Burma, which represents the ethnic minorities and the armed Burmese opposition;

(17) the Government of Burma announced in February 1989 that elections would be held by May 1990, but has refused offers of electoral assistance planning from Thailand and rejected foreign observers;

(18) martial law remains in effect and opposition parties are prevented from freely organizing for elections, and Daw Aung Suu Kyi of the National League for Democracy has been subject to harassment, arrest, and threats of death by the Government of Burma and the Burmese Army.

(b) POLICY.—In recognition of the violence and denial of human rights in Burma and the need for free and fair elections, the Congress—

(1) condemns the continued killings, torture, arrests, and denial of human and civil rights by the Government of Burma, and calls for an immediate halt to them;

(2) expresses its support for an end to martial law in Burma, for free and fair elections to be held before the end of May 1990, and for the transfer of power to an elected civilian government;

(3) calls upon all nations to withhold assistance to the Government of Burma until a democratic government assumes power in Burma;

(4) voices its strong support for the people of Burma and its admiration for their courage;

(5) urges an end to the civil war in Burma; and

(6) calls upon the President, the Vice President, the Secretary of State, the United States Ambassador to Burma, and the United States Permanent Representative to the United Nations to—

(A) publicly condemn the killings, torture, and arrests that continue in Burma;

(B) encourage the restoration of democracy and free and fair elections by May 1990, including the provision for international observers for such elections;

(C) continue to withhold all assistance to the Government of Burma until the holding of free and fair elections and the restoration of democracy, and urge all other nations to do the same;

(D) seek a mediated end to the civil war in Burma, including the involvement of the United Nations, the countries of the Association of Southeast Asian Nations, and other interested parties; and

(E) provide humanitarian resettlement assistance to the refugees from Burma now in Thailand and India.

Mr. MOYNIHAN. Mr. President, it is not quite 1 year ago that events in Burma seized the attention of the Senate and the American people. Hundreds of thousands, literally millions of people began spontaneous peaceful protests against the continued rule of Gen. Ne Win and the Burma Socialist Program Party. It is no exaggeration to say that what recently occurred in China had already happened in Burma. Students and monks led the entire population in an effort to bring democracy to Burma.

These efforts were met with bullets from the Burmese Army last August. The Senate proudly stood with the Burmese people at that time and unanimously passed a resolution of condemnation, expressing its outrage at the slaughter. The Burmese people continued their efforts until in September a military junta established control, ending any facade of civilian authority, and mercilessly gunned down protesters until they left the streets of Burma's cities.

Killings, torture, and arrests continue until now. Martial law remains in effect. Schools remain closed. Press censorship is complete. Indeed, the New York Times reported on Tuesday that tensions are increasing and there is a growing fear of another outbreak of military violence.

One ray of hope does exist: the military has promised free elections by May 1990. Our goal must be to hold them to that promise. Albeit the governing junta has lately seemed to back away even from this commitment—not that the actions of dictators can surprise us—and now suggest the elections will be only for an assembly to write a new constitution and not a real transfer in power. Nevertheless, we must do all that we can to insist on a genuine return to civilian and democratic rule.

Meanwhile, a civil war is being waged against Burma's ethnic minorities, whose struggle has provided ample practice for the brutality that the Burmese Army turned against the majority ethnic Burman population to quell their demonstrations. The civil war now includes Burmans as well, since thousands of students fled to the minority-controlled regions and have established common purpose with them under the Democratic Alliance of Burma—seeking a restoration of democracy and a federal union.

The position of the U.S. Government has been correct. The administration has suspended all aid to the Government of Burma—and has encouraged all other nations to do the same. President Bush has recognized the futility of antinarcotics cooperation with a government that murders

its own people, and has decertified Burma. In fact, it would surprise me little if in Ne Win we have long been dealing with an Asian Noriega. A dictator determined to enrich himself and his military commanders through drug corruption, while turning U.S. eradication assistance against minority armies and populations opposed to his rule.

Indeed, it has long seemed clear to me that until the civil war is resolved in Burma, and political authority is restored to the minority regions which are the source of Burma's opium, no antinarcotics assistance will prove effective. Opium production in Burma has increased dramatically during the decade long period of our involvement. And we have sided with a Communist military dictatorship against pro-Western minorities who fought bravely with us during World War II. Fortunately, the President's decertification has finally ended our participation in the Burmese civil war.

The administration has also taken positive steps to impose trade sanctions on Burma for its woeful human rights record—Burma was suspended from the Generalized System of Preferences Program for worker rights violations.

At the same time, however, other nations have unfortunately sought to make quick profits from the desperation of the Burmese junta. Lucrative logging, fishing and mineral rights have been offered at discount prices by the regime to firms from Thailand, Singapore, South Korea, Malaysia, Hong Kong, Australia, and Japan. The Burmese Government is stealing the resources of the Burmese people. Desperate for cash to buy arms and feed its troops, the Burmese regime has sadly found willing partners to the rape of the country.

The administration should speak out more forcefully against these practices—they not only make foreign firms partners in the oppression of the Burmese people, they threaten to hasten the destruction of one of the regions few remaining rain forests.

How is it that the Thai Government can ban teak logging in Thailand because of the severe ecological damage that it has caused, and then rush in to Burma to repeat the mistake? In an editorial of March 9, 1989, The Nation newspaper of Bangkok asked the same question. And the World Rainforest Movement based in Malaysia, among other groups, has expressed deep concern about the logging in Burma. I have introduced a bill that would ban the United States importation of teak and fish products from Burma, and I intend to offer it to the first appropriate trade legislation considered by the Senate.

In the meantime, if there can be any doubt about the feeling of the Burmese people, we should listen to Daw Aung San Suu Kyi, the leader of the main opposition National League for Democracy, who has called for the suspension of all trade and economic relations with Burma until the regime holds the promised free elections. Dialog with the regime, yes, Trade and assistance, no. The benefits will only be stolen from the people.

Finally, Mr. President, we need to take some concrete steps to demonstrate our support for the aspirations of the students of Burma who have showed such inspiring courage. The amendment that I offer today provides a further statement of support. And it calls upon the administration to do the same. It also offers a little more. Above all, it recognizes that more must be done for the brave student-led protesters who remain in border camps. They have suffered hunger, disease, and death. But, as a New York Times editorial of June 30, titled "Burmese Heroes, Faithless Friends," said, they have not received the support they deserve.

Therefore, I would ask that $250,000 in refugee assistance be earmarked for Burmese protesters who are now to be found in Thailand, India and border camps under the protection of the ethnic minorities.

In addition, I would ask that 15 scholarships be made available through the United States Information Agency for Burmese students and professionals now outside Burma because of their prodemocracy activities.

I would also ask that a report be requested from the Attorney General and Secretary of State on our immigration policy toward these Burmese protesters. This is the same provision that was adopted by the Senate on the immigration bill considered last week. So far, it appears that we have not offered them any help at all. And to be true to our principles, we can not do less for them than we have for the students of China. They too took their inspiration from American democracy. And it is time we return their faith in us.

Mr. President, today, July 19, is Martyrs Day in Burma, a holiday commemorating the assassination of Aung San, Burma's independence leader, and the father of Daw Aung San Suu Kyi, the current leader of the democratic movement in Burma. Let us hope that this is the last Martyrs Day that all of the Burmese peoples will see without their true independence and freedom from dictatorship and violence.

Mr. PELL. Mr. President, this amendment expresses the sense-of-the-Senate for free and fair elections in Burma and provides scholarships for students from Burma. I understand this amendment too has been cleared by both sides. I would like to be added as a cosponsor.

Mr. HELMS. Mr. President, it has been cleared on this side.

The PRESIDENT pro tempore. The question is on adoption of the amendment.

The amendment (No. 294) was agreed to.

Mr. PELL. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

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

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask that it be in order for the distinguished Senator from Florida to offer an amendment on which he will request a rollcall vote, and that that rollcall vote occur subsequent to the rollcall vote on the Gore amendment.

The PRESIDENT pro tempore. Will the Senator repeat his request?

Mr. HELMS. I ask that it be in order for the distinguished Senator from Florida to offer an amendment.

The PRESIDENT pro tempore. All right. Could we proceed with that request? Without objection, the pending amendments are laid aside.

Mr. PELL. Right. Until we have had a chance to look at the amendment—I would like to see it—I hope the Senator will hold off requesting that we consider it.

Mr. HELMS. Mr. President, could the Chair act on my unanimous consent request?

The PRESIDENT pro tempore. There will be order in the Senate.

Will the Senator from North Carolina repeat the request.

Mr. HELMS. I will be glad to, Mr. President. The Senator from Florida [Mr. MACK] desires to call up an amendment. I ask unanimous consent, first, that the pending amendments, all three of them—all four of them actually—be laid aside temporarily, that he be permitted to call up his amendment, that he be permitted to ask for the yeas and nays, but with the understanding that the vote on the Mack amendment would occur subsequent to the vote on the Gore amendment.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The pending amendments are set aside in accordance with the request, and the Senator from Florida [Mr. MACK] is recognized.

Mr. HELMS. I thank the Chair.

Mr. MACK. I thank the Chair.

AMENDMENT NO. 295

(Purpose: To express the sense of the Congress regarding policy toward Cuba)

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

The PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Florida [Mr. MACK], for himself, Mr. DOLE, and Mr. D'AMATO, proposes an amendment numbered 295.

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

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 145, after line 22, add the following new section:

SEC. 915. POLICY TOWARD CUBA.

It is the sense of Congress that—

(1) after 30 years, Fidel Castro has failed to recognize the basic human rights, aspirations, and freedoms of the Cuban people;

(2) oppressive government policies and economic mismanagement have increased the suffering and hardship on the people of Cuba;

(3) the Cuban people should be allowed to express their view on their country's political future, that the Cuban Communist Party should permit a plebiscite, by a secret "yes/no" ballot, of the people's approval or rejection of Castro's continued rule;

(4) in order to guarantee an open and honest plebiscite, the government of Cuba should meet the following conditions—

(A) allow opposition and human rights groups to organize publicly and repeal all laws curtailing freedom of expression and of assembly;

(B) grant all opposition groups equal access to national press, radio, and television media;

(C) release all political prisoners; and

(D) invite a neutral, international commission to oversee the voting and ensure the legitimacy of the results;

(5) should the "no" vote on Castro's rule prevail, the regime would respect the will of the people, initiate a period of democratic openness, and hold prompt national elections through which the Cuban people would freely choose their leaders; and

(6) normalized relations between the Governments of the United States and Cuba should one day be restored, and that a democratic Cuban Government elected by all the people must be an essential condition for such normalization.

On page 5, in the table of contents, after the item relating to section 914, add the following new item:

"Sec. 915. Policy toward Cuba.".

Mr. MACK. Mr. President, is it necessary for me to ask for the yeas and nays at this time, or was it covered by unanimous consent?

The PRESIDENT pro tempore. No, it is not covered. The Senator may request the yeas and nays.

Mr. MACK. I request the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second? There is not a sufficent second.

The Senator from Florida is recognized.

Mr. MACK. Mr. President, I think all of us are aware of the immense changes that have taken place around the world over the last several years, to the point where many of us are looking at the decade of the 1990's being the decade of freedom and democracy. We have seen the election in the Soviet Union, a Congress in Moscow in which Gorbachev and the KGB have been under very tough questioning from that Congress. We have seen the elections in Poland and Hungary, the sharing of power in Poland, the removing of the fence between Hungary and Austria, Gorbachev pushing for his ideas of glasnost and perestroika. We have seen a free and open election in El Salvador and the transfer of power from one party to another party. We have seen a plebiscite in Chile where the people in Chile were able to express their feelings, and we have seen now that Pinochet has been defeated and is preparing to step down.

While all these changes are taking place, there is one leader of one country that appears not to recognize this change, this wave of freedom that is sweeping the globe. That leader is Fidel Castro. He is not only not recognizing the changes that are taking place in the world but he is failing to understand the failures of his own policies, his own leadership, and communism.

The economy of Cuba is in a shambles. He is unable to make his international payments. The U.N. human rights panel has issued a 400-page report indicating the human rights violations in Cuba. And we are all too well aware today of the known admission on the part of Fidel Castro and his Government of Cuba of involvement in international drug trafficking.

It is precisely for those reasons that I have offered my amendment today which is calling for a plebiscite in Cuba, in essence giving the Cuban people the opportunity for a simple yes or no with respect to their either support or rejection of Mr. Castro and his policies. Let me just read a couple of points from the amendment.

Paragraph 3:

(3) the Cuban people should be allowed to express their view on their country's political future, that the Cuban Communist Party should permit a plebiscite, by a secret "yes/no" ballot, of the people's approval or rejection of Castro's continued rule;

(4) in order to guarantee an open and honest plebiscite, the Government of Cuba should meet the following conditions—

(A) allow opposition and human rights groups to organize publicly and repeal all laws curtailing freedom of expression and of assembly;

(B) grant all opposition groups equal access to national press, radio, and television media;

(C) release all political prisoners; and

(D) invite a neutral, international commission to oversee the voting and ensure the legitimacy of the results;

(5) should the "no" vote on Castro's rule prevail, the regime would respect the will of the people, initiate a period of democratic openness, and hold prompt national elections through which the Cuban people would freely choose their leaders;

Mr. President, the objective here is to try to bring about freedom and democracy in Cuba some day. At the beginning of this year, there was a letter and an advertisement in newspapers all across this country recognizing that Castro is the longest leader in power, dictator, over 30 years now. It is hard to believe that of the 80 years since the independece of Cuba from Spain that 30 of those years have been dominated by a totalitarian system.

This idea of a plebicite, while I have no belief that when we conclude our work here today that Mr. Castro will rush forward to call for an election in Cuba, I think is important, and that we follow the work of others who have indicated that the time has come to force Mr. Castro to recognize his failures, to force the world to focus their attention on the failures of the policies in Cuba.

As I indicated earlier this year, 163 intellectuals, writers, actors, scientists, Nobel laureates, suggested that if there could be a plebicite of the right in Chile, certainly it is reasonable for us to ask that there be plebicite in Cuba.

Again, our objective is freedom. Some people claim that since there is no open armed hostilities in Cuba today that the Cuban people are living in peace. I quickly add that they are not living in freedom, and that peace without freedom is false.

Some claim that peace is the absence of war. I would state that peace is the presence of freedom. What can it be like to live in peace without the freedom to worship God, to choose your own livelihood, to read or to speak the truth, or to live for a dream of handing over a better life to your children and your grandchildren. I believe that the Cuban people understand how precious freeom is, and that freedom is the core of all human progress.

So I hope my colleagues in the Senate will support this amendment, and send a message not only to Cuba but around the world of the importance of focusing in on the actions of Castro and that totalitarian government.

Mr. President, I ask that my colleagues cast a vote in support of this amendment.

Thank you, Mr. President.

Mr. PELL addressed the Chair.

The PRESIDENT pro tempore. The Senator from Rhode Island [Mr. PELL].

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

The PRESIDENT pro tempore. The clerk will call the roll, the absence of a quorum having been suggested.

The bill clerk proceeded to call the roll.

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

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, under the previous order, the vote on the Gore amendment——

The PRESIDENT pro tempore. May we have order in the Senate. The majority leader.

Mr. MITCHELL. Under the existing order, the vote on the Gore amendment is scheduled to occur shortly. In order to accommodate two Senators who have been required on official business to travel out of Washington and will not be back until 2:15, I ask unanimous consent that the vote on the Gore amendment occur at 2:15 p.m., that it be a 15-minute vote, that if votes on other amendments are ordered prior to that time, that those votes be stacked to occur following the vote on the Gore amendment, and that any votes after the vote on the Gore amendment be 10-minute votes.

Mr. President, I withhold for a moment.

I propound the request, Mr. President.

The PRESIDENT pro tempore. The yeas and nays have been ordered on both the amendment in the second degree by Mr. GORE and the amendment in the first degree by Mr. GORE. Does the leader wish the vote on the amendment in the first degree to follow along immediately after the vote on the amendment in the second degree?

Mr. MITCHELL. Mr. President, I expect that if the second-degree amendment prevails, that the sponsor will seek to vitiate the vote on the first degree. So we can schedule it as though they were going to occur with the understanding that that may change pending the result of the first vote.

The PRESIDENT pro tempore. Is there objection to the request by the majority leader?

The Chair hears none. It is so ordered.

Mr. HELMS. Mr. President, I ask for the yeas and nays on the amendment of the Senator from Florida [Mr. MACK].

The PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair.

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

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Kentucky will be advised there are several pending amendments before the body now.

Mr. McCONNELL. Mr. President, I ask unanimous consent that those amendments be laid aside momentarily.

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

The Senator from Kentucky is recognized.

AMENDMENT NO. 296

(Purpose: Clean Coal Technology Export Programs)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes an amendment numbered 296.

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

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

The amendment is as follows:

Insert where appropriate:

The President shall provide a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives within 90 days of enactment of this legislation which will identify, inventory and analyze clean coal technologies export programs within United States Government agencies including the Departments of State, Commerce, and Energy and at the Export-Import Bank and the Overseas Private Investment Corporation. The study shall address the effectiveness of interagency coordination of export promotion and determine the feasibility of establishing an interagency commission for the purpose of promoting the export and use of clean coal technologies.

Mr. McCONNELL. Mr. President, this amendment has been cleared on both sides. It is fairly simple. It deals with the question of clean coal technology. It is to export the promotion programs for clean coal technologies which would enable the United States to, first, renew its technological leadership in a growing world market for coal utilization technology; second, increase its exports of coal without the risk of environmental damage; and, third, reduce our merchandise trade deficit.

Currently there are several clean coal technology export promotion programs operated by a variety of U.S. Government and quasi-governmental agencies.

Government officials operating these programs as well as industries involved in the development of clean coal technologies agree there is a potential for better coordination of these various programs in the agencies overseeing them.

My amendment simply asks the Federal officials involved in the clean coal technology programs at State, Commerce, and Energy to inventory and analyze the various programs now being operated and identify ways they might be better coordinated.

This particular study would have to be completed within 90 days.

The PRESIDING OFFICER. Does the Senator from Kentucky make a request?

Mr. McCONNELL. Mr. President, I ask the amendment be approved.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, this amendment has been cleared on both sides. The Senator from North Carolina said it has been cleared on his side. It is cleared on our side.

I suggest we support the amendment and vote for it.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I join in supporting the amendment that has been offered, and I would be happy if I could be added as a cosponsor.

Mr. President, I ask unanimous consent that my name be added as a cosponsor.

Mr. McCONNELL. I thank the Senator from West Virginia.

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

Mr. McCONNELL. And I thank the Chair.

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the Senator from Kentucky.

The amendment (No. 296) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

AMENDMENT NO. 297

(Purpose: To honor the world's most recent heros in the universal struggle for freedom and democracy, and to designate the park in the District of Columbia directly across from the Embassy of the People's Republic of China as "Tiananmen Square Park")

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

The PRESIDING OFFICER. The Senator from Wyoming is advised that there are several pending amendments that will need to be set aside.

Mr. WALLOP. Mr. President, I ask unanimous consent that pending business be set aside so that this amendment may be considered.

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

Mr. WALLOP. I thank the Chair.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Wyoming [Mr. WALLOP], for himself, Mr. DOMENICI, Mr. DIXON, Mr. WILSON, Mr. SYMMS, Mr. BURNS, Mrs. KASSEBAUM, Mr. DECONCINI, Mr. DODD, Mr. SIMON, Mr. D'AMATO, Mr. MACK, Mr. ROCKEFELLER, Mr. HUMPHREY, Mr. BAUCUS, Mr. BURDICK, Mr. HEINZ, Mr. MOYNIHAN, Mr. WIRTH, Mr. MCCLURE, Mr. GARN, Mr. RIEGLE, Mr. WARNER, Mr. MCCAIN, Mr. GRASSLEY, Mr. MURKOWSKI, Mr. DURENBERGER, Mr. DOLE, and Mr. JEFFORDS, proposes an amendment numbered 297.

Mr. WALLOP. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 145, after line 22, add the following new section:

SEC. 915. TIANANMEN SQUARE PARK AUTHORIZATION.

(a) FINDINGS.—The Congress finds that—

(1) in April and May of 1989, Chinese students began hunger strikes and peaceful demonstrations in Beijing's Tiananmen Square to commemorate the seventieth anniversary of the May 19, 1919 student movement; these students demanded fundamental civil liberties such as those found in the United States Bill of Rights;

(2) Americans stand for certain timeless values that transcend political and national boundaries, among these principles is the American belief in the sanctity of human life and the inviolability of individual rights and freedom;

(3) hundreds of thousands of Chinese took to the streets throughout China in support of the ideals and aspirations expressed by the students;

(4) the Chinese students erected a version of the Statue of Liberty in Tiananmen Square to express their fervent desire to bring democracy and freedom to their country;

(5) the American people share the aspirations of all those around the world who struggle to win respect for these fundamental principles;

(6) when the pursuit of these ideals results in the shedding of innocent blood and the destruction of young lives, all Americans feel a profound sense of loss and an equally great sense of outrage;

(7) the Communist regime in Beijing, unjustly and unprovoked, brutally slaughtered thousands of citizens engaged in peaceful demonstrations;

(8) our Nation mourns for the families and loved ones of those killed in China;

(9) despite the outrageous brutality of elements of the Chinese Army in massacring unarmed, peaceful protestors, the Chinese leadership, including Communist Party leaders Deng Xiaping and Li Peng, have publicly commended the actions of the Chinese Army;

(10) since the massacre in Tiananmen Square, the Communist regime in Beijing has been engaged in the systematic arrest and detention of Chinese students and other dissidents allegedly involved in the demonstrations;

(11) there have been dozens of rallies across the United States in support of the Chinese students, including a demonstration held across the street from the Embassy of the People's Republic of China involving more than 2,000 protestors;

(12) at this protest a twenty foot replica of the Statue of Liberty was erected in a small park across the street from the embassy in honor of those students who lost their lives while demonstrating for greater political and economic freedom;

(13) a wreath was placed beneath the bright torch of the original Statue of Liberty to mourn the world's most recent heroes in the universal struggle for freedom and democracy; and

(14) the Communist regime in Beijing continues to deny the existence of any mass demonstration, deny Chinese troops ever fired into groups of protestors, and deny that anyone other than soldiers and innocent bystanders were killed.

(b) DESIGNATION.—The park located in front of the Embassy of the People's Republic of China at the northwest corner of Connecticut Avenue and Kalorama Road in the District of Columbia, designated Reservation No. 303A and Reservation No. 303B by the National Park Service, shall be designated and known as the "Tiananmen Square Park".

(c) LEGAL REFERENCES.—Any reference in any law, regulation, document record, map, or other record of the United States or the District of Columbia to the park referred to in subsection (b) is deemed to be reference to the "Tiananmen Square Park". Such designation shall expire three years from the date of enactment of this Act unless terminated earlier by the Secretary of the Interior.

On page 5, in the table of contents, after the item relating to section 914, add the following new item:

"Sec. 915. Tiananmen Square Park authorization".

Mr. WALLOP. Mr. President, several weeks ago, this Senator, along with Senators DOMENICI, DIXON, and 18 of our colleagues, introduced a bill, S. 1232, to name the small plot of land located across Connecticut Avenue from the Embassy of the People's Republic of China "Tiananmen Square Park." I now rise to amend the State Department authorization bill with language similar to that proposed in S. 1232.

While this necessarily is only a symbolic gesture, we feel it is a unique opportunity to accomplish several objectives. Our primary interest is to recognize the bravery exhibited by the participants in the month-long Tiananmen Square demonstrations. We need to remember all of the those victimized by the brutal crackdown.

Second, our purpose is to remind Beijing that Americans will not only remember those killed or incarcerated, but also that we will never and can never forget the ruthlessness and callousness of the Communist Chinese Government in crushing their citizen demonstrators and their aspirations. Finally, it is also our desire to applaud the efforts of the Chinese Nationals and Americans who participated in the large June 10 demonstration across the street from the Chinese Embassy on the site we now wish to name.

Mr. President, the original measure, S. 1232, has been referred to the Appropriations Committee, the Committee on Energy and Natural Resources. In offering my amendment today, it is not my intention to preempt that committee's consideration of S. 1232. I merely wish to note that while the Energy Committee has other issues it must address, Senators also desire to speak on this matter in a timely fashion.

Mr. President, the Senate must continue to speak repeatedly and unequivocally against the atrocities in China since the beginning of June of the year. It has been stated by some that the collective memory of Americans is insufficient to allow us to remain outraged indefinitely by events such as the massacre in Tiananmen Square. Personally, I do not nor have I ever accepted that viewpoint. However, I do believe it is precisely this notion on which the authorities in China are counting.

Therefore, we should make it abundantly clear to the Communist regime in China that Americans will always remember the tragic events of that June weekend. Similarly, it is imperative that the world continue to monitor the plight and the fate of those individuals accused and convicted by the Chinese regime—and not by courts of law—of instigating the demonstrations—individuals who are being jailed and executed primarily for their participation in the demonstrations.

It is with these thoughts in mind that I and my colleagues today offer this amendment to name for 3 years the plot of land across from the Chinese Embassy "Tiananmen Square Park." We believe this relatively simple gesture will signal to the people of China who hope—and to the brutal authorities responsible for the crackdown and its carnage in an attempt to dash that hope—our resolve to remember the sacrifices for freedom so courageously made.

We must also commit to support the forces for change in China. In their endeavor to secure for citizens of their

country the same rights and powers possessed by free peoples elsewhere, the Chinese people must know that America will not ignore acts of repression against them by the Communist Chinese regime. Such actions will and should incur direct and concrete costs.

Mr. President, I trust the full Senate will agree with this Senator and the other 28 Senators offering this amendment that the creation of Tiananmen Square Park is an appropriate and commendable gesture for Americans to make.

I ask the distinguished chairman of the committee and my colleagues to offer their support to this amendment at this time so we can send our powerful signal as quickly as possible.

AMENDMENT NO. 298 TO AMENDMENT NO. 297

(Purpose: To express the sense of the Congress regarding the placement of a statue memorializing the Chinese student "Democracy Movement")

Mr. PELL. Mr. President, I think this is an excellent amendment, and I intend to support it, but I would add here that I send to the desk a perfecting amendment to the Wallop amendment for our consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL] proposes an amendment number 298 to amendment numbered 297.

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

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

The amendment is as follows:

At the end of the amendment, insert:

(d) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the National Park Service should support public initiatives to raise private funds to place a replica of the Chinese students' Statue of Democracy on the redesignated "Tiananmen Square Park;" and

(2) such a memorial should be dedicated to the Chinese students and workers who have lost their lives in the struggle for democracy.

(e) RECEIPT OF PRIVATE FUNDS. The National Park Service is authorized to accept donations of private funds for purposes of subsection (d)(1).

Mr. PELL. Mr. President, this amendment expresses the sense of the Congress regarding the placement of a statue memorializing the Chinese student "Democracy Movement."

Recently, Senators WALLOP and DOMENICI introduced a bill calling for the renaming of the park in front of the Embassy of the People's Republic of China in Washington, DC, as the "Tiananmen Square Park," the amendment that we are presently considering.

I support this measure which had been previously referred to the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources as an appropriate demonstration of America's concern for the brutal suppression of a people's desire for democracy. But in so doing, it would be equally appropriate in my view for the Senate also to support any public efforts to raise funds to build a replica of the Statue of Liberty which the Chinese students erected in Tiananmen Square and which was destroyed by the Chinese Army.

My perfecting amendment would add language to the Wallop-Domenici measure as a further demonstration of America's concern to the Government of China that we cannot forget the brutal repression now being carried out in China.

Mr. WALLOP. Mr. President, through the Chair, I direct a question to the distinguished chairman: Is it a replica of the Statue of Liberty or the Goddess of Democracy.

Mr. PELL. I am informed it is the Goddess of Democracy.

Mr. WALLOP. Mr. President, I will accept that without contesting it. I would just simply point out that we did not include it originally in our amendment because it runs a little contrary to the law which we passed a couple of years ago regarding the construction and placement of monuments and other "memorials" in the District of Columbia.

I think the Senator is quite correct that it would be an appropriate gesture. I am assuming that somewhere along the line in the course of our deliberations we can find a way to make it fit with the intention of the statute that we passed a couple of years back.

So I comend the Senator on it and I am quite willing to accept it.

Mr. PELL. I thank the Senator from Wyoming. I ask that the amendment be adopted.

The PRESIDING OFFICER. Is there any further debate on the amendment? If not, the question occurs on the second-degree amendment offered by the Senator from Rhode Island [Mr. PELL].

The amendment (No. 298) was agreed to.

The PRESIDING OFFICER. The question now occurs on the amendment offered by the Senator from Wyoming.

Mr. DOMENICI. Mr. President, parliamentary inquiry. Is there any time restraint on this amendment?

The PRESIDING OFFICER. There is none.

Mr. DOMENICI. Might I ask my friend from Wyoming, before we agree to it, if the Senator from New Mexico may have a few minutes? I do not want to be unaccommodating, but I worked on this with the Senator.

Mr. WALLOP. I do not sense that the amendment is in trouble, so I think it would be fine.

Mr. DOMENICI. Mr. President, the United States, in terms of our ideals and principles, was a grand experiment. I am sure many looking back at how it started who would say it is almost miraculous that we made it to this point in history, because freedom for individuals is a very, very significant concept, but it had not worked for most of human history. As a matter of fact, there had been little American-style freedom until this great Republic decided that we were going to experiment with giving the maximum amount of freedom to the maximum number of people—a very exciting concept.

Some look at us and wonder why this country achieved so much. I assume people who know more than I might give a different reason that I will give. But it seems to this Senator that there is a simple concept that human achievement occurs when a man or a woman is free.

I think that holds for history before democracy. I think, if we take a look, we will find that achievers—be it Michelangelo or whomever—were in a very real sense free. The problem with humankind is that until we had broad-based freedom, the achievers were the select few who had individual freedom. My hunch is that individual achievement was limited until we had maximum opportunity for achievement through maximum individual freedom. So I think that individual freedom and individual achievement are very related.

And while there are many things to be proud of, I think that achievement in its broadest sense—everything from the finding of basic scientific truths to the production of light bulbs and automobiles—is what the American people set a new standard for.

By making more and more people free, we built on the concept that human achievement occurs when a man or a woman is free. The answer to America's success is that when we make many people free, achievement is dramatic and broad-based. It comes from sources you could not predict. It might be a janitor's son who becomes the crackerjack nuclear physicist or who invents something rather dramatic. That did not happen in civilization before.

So what is happening out there in the world today is clearly understandable. Those who would like regimentation and control and who think that their regime or their system should tell everybody what to do have seen its failure to promote individual achievement.

And the converse is absolutely true. The so-called free industrial nations, producing more goods and wealth today than anybody ever thought possible by seven countries, including our own, are setting a new standard. So,

understandably enough, the controlled societies are finding that you cannot have necessarily an economic system that will work unless there is a governmental system that works right with it in tandem to promote achievement.

Our Nation's basic ideals are contagious. Our ideals of individual freedom under an orderly system of governance, where you get the concept that the people govern themselves, is catching on in the world. When you couple it with an economic system like ours, built upon achievement, incentive, private ownership, and the like, you have a system that is apt to cure the world of many, many ailments, such as malnutrition, illness, lack of basic material wealth, and the inability to participate in what our Declaration of Independence calls the pursuit of happiness.

So what is going on in the world was epitomized in China when these young students, who had had a real taste of freedom along with a slight change in the economic system that said, "There is real potential for progress again in this society; we might really be able to do something individually and as a people to take big strides."

Many of them found this when they came to the United States to study. In studying here, they got a real taste of the essence of our culture. With all its shortcomings, the essence is individual freedom and individual achievement, which should not be thwarted by government but rather should be promoted.

What happened at Tiananmen Square, with all those young people, was an effort on their part to say to the leadership of that country: "We will do better as a people, we will have a better chance to spread the good things, if you give us some freedom." They were not even, as has happened in many places in the world, trying to have a literal revolution. They were begging, so to speak, for a little bit. And they ended up getting nothing. In fact many lost everything.

So what we did when we started working on this amendment—and I was pleased to join my friend from Wyoming—was to look for something that we could do that was clearly our prerogative and had nothing to do with the Chinese Government. We were looking for some way to indicate our indignation and our protest and, on the other hand, our support and our joining hands with the students in China. It came to us that we ought to do something symbolic here that would send the idea out there to young people in China and elsewhere that we truly respect and admire what they have tried to do. So we came up with this amendment.

Earlier, we attached an amendment to this bill that was our effort to encourage our Government not to do certain things and to urge the Chinese Government not do this or that or the other thing. And all of that is well and good. But this amendment is a little different in that, in the name of the American people, we want to set up a symbol of our close ties to the ideals for which the Chinese students stood.

It encapsulates the idea and the ideal in a very simple but reverent way, a piece of ground that we will call Tiananmen Square Park. As it bcomes known, it will have tremendous rays, spreading many, many miles and across many countries from that little piece of ground across the street from the Chinese Embassy. It will epitomize the United States and her people in our constant quest to spread the ideal of individual freedom and the idea that those who govern get their power from those that they govern.

This amendment will designate a small tract of land on Connecticut Avenue in front of the Chinese Embassy as Tiananmen Square Park. The tract, which has a small park on it, currently is unnamed.

Naming this tract as Tiananmen Square Park can serve as our Nation's tribute to the democracy movement in China. Perhaps it will also serve as a constant reminder to the Communist officials that we in the United States will never forget how they have brutally repressed those who simply yearned to be free.

Tiananmen Square has long been the gathering place for Chinese longing for democracy. On May 19, 1919, Chinese students first demonstrated peacefully there to demand many of the fundamental liberties that we hold dear.

This spring's demonstrations began as a commemoration of the 70th anniversary of the 1919 student movement. It developed into a broad-based popular movement of students, workers, and intellectuals seeking democracy and freedom in China. Hundreds of thousands of persons throughout China joined this movement.

The Chinese students erected in Tiananmen Square a statue called the Goddess of Democracy, modeled after our Statue of Liberty. Unlike the Statue of Liberty, however, the Goddess of Democracy needed both hands to hold up the torch of liberty, symbolizing the difficulty of holding freedom aloft in China.

On June 3 and 4, the Chinese Army, under direction from the Communist Government of China, brutally crushed the democracy movement, killing hundreds—perhaps thousands—of persons who had been engaged in peaceful demonstrations. In the process, they crushed the Goddess of Democracy.

The Chinese Communist Government is in control now, but it is obvious that the aged leaders of the decrepit Communist system in China are fighting the tide of history.

Mr. President, the Communist troops may have crushed the statue of the Goddess of Democracy that stood in Tiananmen Square that sad day last June, but it is obvious that they could not—and will not—crush the hopes, dreams, and ideas that will 1 day lead to the freedom that the Chinese people want and deserve.

It is my sincere hope and belief that eventually the Goddess of Democracy will stand proudly once again in Tiananmen Square, and China will become a land where freedom, liberty, and democracy are valued by the people, and by their government.

Mr. President, since the crushing of the democracy movement in China, many Chinese citizens in this country—as well as many American citizens—have gathered on a tract in front of the Chinese Embassy in our Nation's Capital to protest the actions of the Chinese Government. They have left flowers, banners, and even a replica of the Statue of Liberty there to serve as reminders of what has occurred in China.

This amendment will allow the people of the United States to demonstrate their support for the democracy movement in China by naming this tract Tiananmen Square Park.

I think it is an exciting concept, one that has some very, very significant ramifications. I am delighted we are going to pass it here. We have a lot of people on the committee of jurisdiction to thank. I am sure Senator WALLOP thanked them for permitting us to work it this way and not coming down and insisting that it be delayed. I think it belongs on this bill and I am delighted we are going to adopt it. I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, I thank the Senator from New Mexico, who was, early on, along with Senator DIXON on this concept. He is quite correct. The authorizing committee has been most cooperative to work with, and we thank them all.

I ask now for the question on the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing on the amendment of the Senator from Wyoming.

The amendment (No. 297) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Rhode Island.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. PELL. Mr. President, for the benefit of any Senators or their staffs who may be listening to the nonproceedings going on, on the Senate floor at this time, the ranking minority member and I are both here welcoming any amendments Senators may care to present. It is frustrating to be ready and waiting and have no amendments coming over here.

Mr. HELMS. Will the Senator yield?

Mr. PELL. Certainly, with pleasure.

Mr. HELMS. I thank the Senator. I would say in addition to the statement by the distinguished Senator from Rhode Island, in which I concur, I hope I will not hear a whole lot of compliants along about 10:30 or 11 o'clock tonight with Senators saying, "When are we going home?" If we could do the work now, we would not have to be in at 10:30.

Mr. President, I want to give a gold star to the Senator from Pennsylvania. He just said he will have an amendment in 5 minutes. We will be ready for him. 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. SPECTER. 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. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Senator from Pennsylvania is advised that there are three pending amendments before the Senate that have to be temporarily set aside.

Mr. SPECTER. Mr. President, I ask unanimous consent that those three pending amendments now before the Senate be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. PELL. I object.

The PRESIDING OFFICER. Objection is heard.

The pending question is the Grassley amendment to the Helms amendment.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I had thought that the managers cf the bill were in search of an amendment, and that is why I came to the floor to present this amendment. This Senator has a problem in terms of timing because we are in the process of hearing the impeachment proceedings of Judge Alcee Hastings, and I am on that panel, so that my time is limited to before 9, from 12 to 1:30, and after 6 o'clock. So it would be my hope that this amendment could be the subject of proceedings here.

Mr. PELL. Mr. President, the Senator is at perfect liberty to discuss his amendment as long as he wishes, but there is some objection on this side of the aisle to it coming to a vote at this time.

Mr. SPECTER. I certainly would be willing to not call for a vote until every Senator, including those on the other side of the aisle, have had a full opportunity to discuss the matter. There is no intention on my part to foreclose any Senator from coming to the floor to debate it. If I might make a suggestion, we might lay the amendment down and I might make an argument which would consume perhaps 20 minutes.

Then there could be an opportunity, if it is inconvenient for those who oppose the amendment, to come at this time. We would at least have accomplished that much. I would be glad to await the arrival of anybody who cares to oppose the amendment.

Mr. HELMS. If the Senator will yield?

Mr. SPECTER. I do.

Mr. HELMS. I know of no Senator on this side of the aisle who opposes the amendment. I favor it. I suggest he go ahead, discuss it, and if he wishes to get the yeas and nays on it, we will let the other side of the aisle discuss it.

Mr. SPECTER. I appreciate that. I certainly do not press. I know there is opposition. I know people have expressed an interest. I would be glad to await their arrival. I do not intend to press anybody for a vote until there is ample opportunity for a debate in accordance with our rules.

Mr. HELMS. If the Senator will yield further, I understand perfectly the situation he is in with respect to his schedule. He has a full plate. If he wants to get the yeas and nays, we will protect him in his right to come and answer any debate if he wishes. I hope the Senator will proceed.

Mr. SPECTER. I very much appreciate that.

Let me propound the unanimous-consent request again in the light of our discussion and my assurance that I will not hasten the vote.

Mr. PELL. Mr. President, I must object at this time. As I said earlier, the Senator is free to discuss it, but I have been requested on this side to object for the time being. But discuss the amendment by all means.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, it is not clear to me why the Senator is objecting.

Mr. PELL. As I understand it, he is calling for a rollcall vote.

Mr. HELMS. That is almost an entitlement around here as a matter of comity. He could get it. I can help him get enough Senators to get a rollcall vote.

The PRESIDING OFFICER. The Chair would inform the Senator from Pennsylvania before any amendment can be offered the two pending amendments will have to be set aside.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Perhaps the issue arises because of a pending unanimous-consent agreement that sets any vote to follow a vote previously scheduled for 2:15 and a vote to immediately follow that. If that is the impediment to proceeding, I would ask unanimous consent that there not be a vote on this Senator's amendment until after the two votes previously scheduled, and that no such vote occur on this Senator's amendment until any opponent has ample opportunity to respond.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, there is a Senator on this side of the aisle particularly interested in this vote. I would like to postpone the decision of whether to object or not until he comes. He is on his way to the floor at this time. I would hasten to add I would like to hear the Senator's arguments.

Mr. SPECTER. In light of that development, I would certainly await his arrival. I withdraw my unanimous-consent request.

Mr. WIRTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. WIRTH. Mr. President, I have an amendment and I ask unanimous consent that the pending business be temporarily set aside.

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

AMENDMENT NO. 299

Purpose: To require the United States Information Agency to report to Congress on the acquisition and use of public programming material

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. WIRTH] proposes an amendment numbered 299.

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

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

The amendment is as follows:

At the appropriate place insert:

"Not later than 90 days after the enactment of this Act, the Director of the United States Information Agency shall provide a detailed report to the Chairman of the Foreign Relations Committee of the Senate and the Speaker of the House of Representatives describing all programming material acquired by the United States Information Agency in fiscal year 1988 and fiscal year 1989 from public television and radio entities, including a description of how such program material was utilized by the United States Information Agency, in whole or in part, in original or edited form. Further, the Director of the United States Information Agency shall include in such report a description of projected United States Information Agency use of programming material acquired for public television and radio entities through fiscal year 1992."

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. WIRTH. Thank you very much, Mr. President.

This amendment has been agreed to on both sides. This amendment refers to the U.S. Information Agency's purchasing of programs funded by public television and public radio in the United States. The amendment directs the U.S. Information Agency to report back to the Congress within 90 days with detailed information on how USIA spends its acquisition funds for public radio and television programming.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 300 TO AMENDMENT NO. 299

Mr. HELMS. Mr. President, I commend the Senator from Colorado for what he said about the necessity of freedom of information. He is exactly right. In that connection, I have a second-degree amendment which I send to the desk.

The PRESIDING OFFICER. Is there objection to the consideration of the amendment?

Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself, Mr. GLENN, Mr. BOREN, and Mr. PRESSLER, proposes an amendment numbered 300 to amendment No. 299.

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 end of the pending amendment, add the following:

On page 55, line 15, strike "$36,000,000" and insert in lieu thereof "$71,000,000".

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair.

Mr. President, this amendment addresses the President's request for the modernization of our Voice of America facilities by increasing VOA's radio construction budget by $35 million—for a total of $71 million in fiscal year 1990.

As I mentioned in my opening remarks last week, I believe that the State Department authorization bill as reported from the Foreign Relations Committee ignores the urgent need to modernize our public diplomacy capabilities. At a time when many international polls show Soviet leader Mikhail Gorbachev to be as popular as President Bush, and Chinese students are relying heavily upon the transmissions of Voice of America, the United States must pay close attention to its public diplomacy effort.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate is not in order. The Senate will be in order. People in the well will take their seats and clear the aisles. The Senator from North Carolina is entitled to be heard on his amendment.

Mr. HELMS. I thank the Chair.

This amendment will permit VOA to develop relay stations in both Thailand and Morocco, in addition to meeting other necessary expenses. These stations will significantly augment the quality of our broadcasts into China, Afghanistan, Eastern Europe, the Soviet Union, and Africa.

Mr. President, we are all concerned about the citizens of China and Tibet. Much can be done to augment our ability to deliver a strong signal inside China. Many of the students involved in the recent demonstrations in Tiananmen Square have reported on how they had to rely on Voice of America programs in order to learn how the world was reacting to events in Communist China. Unfortunately, the VOA relay station in the Philippines is now the only station capable of reaching China and East Asia with a reliable signal. That station has seven different kinds of transmitters—many of which are nearly four decades old. It must carry not only Chinese, but other languages such as Vietnamese and Burmese.

By jamming VOA broadcasts into China, the Chinese have picked up where the Soviets left off. But with the Thailand station, and other stations, VOA can effectively counter the Chinese jamming. Let us not forget, Mr. President, that in China alone, we are talking about one-fourth of the world's population.

Mr. President, as a former radio broadcaster myself before I came to the Senate in 1973, I understand the importance of public diplomacy. I also know what it means to have outdated transmitting equipment or inadequate transmission capability. The quality of our VOA programs becomes irrelevant, if we are unable to deliver the message to our target audiences. Each year that we fail to update our facilities, represents another year of missed opportunities to spread the message of freedom, as Mr. WIRTH emphasized. And if we put off necessary modernization and expansion, it will inevitably be at much greater expense to the U.S. taxpayer when we finally do get around to it.

So it is a matter of priorities. I suppose the question will be raised as to whether we can offset this. That is not the responsibility of the authorizing committee. The Appropriations Committee will do that, and I am persuaded that the Appropriations Committee may cut something like the United Nations—and I pray the Lord that they will—and provide the funds for this. We are pumping too much money in these international organizations, and we ought to concentrate on the business of spreading the message of freedom.

Mr. President, sadly, our international broadcasting system is generally outdated and below modern international standards. Countries around the world are doing better than we are. It is slowly improving, due to an aggressive modernization effort. In 1982, the National Security Council directed that the Voice of America provide a stronger, and more reliable signal into areas of the world that are important to U.S. interests. Pursuant to that directive, in 1983 USIA began a detailed study of how to generate a stronger message.

The review discovered the obvious—that our international broadcasting system is seriously outdated. Let me cite from a USIA factsheet that explains the current state of our facilities. This is a direct quote:

Some of our relay sites still receive signals for broadcast over high-frequency (shortwave) radio, a method that allows only minimum technical standards for broadcasts and low listenability. About three quarters of VOA's transmitters are more than 15 years old, and about one-third have been in operation more than 30 years. For example, a 1930's-era mobile transmitter that was captured from Nazi forces in the Second World War remains in use as a back-up transmitter at the Munich Relay station site.

The document also states:

The present international standard is the 500 kilowatt shortwave transmitter which is dramatically more efficient than older models and more than twice as powerful as those VOA has been using. For example, the U.S.S.R. has more than 30 of the higher power 500 kilowatt transmitters which, because of their power and newer features, give them, the Soviet Union, an advantage in broadcast capability and range.

Is that what we want? Do we want the Soviet Union to be pumping out its

propaganda while we cannot even get there with our signal? If we do get there, it is so poor that people do not listen to it. The Senator is exactly right. We must do everything we can to get them to listen to the Freedom and Liberty and to get it circulated around the world.

Numerous technical studies were conducted, and other areas were identified where USIA must upgrade its facilities. Prolonged, and often difficult agreements were concluded to construct relay stations in several countries. Hence, the pending second degree amendment to Senator WIRTH's amendment.

So now, after the studies have been conducted, this modernization program has entered into the critical construction phase. In order to keep the progress on track, the administration originally requested $89 million. But in view of serious budget constraints, they went back to the drawing board, and proposed a bare-bones budget of $71,000,000, a reduction of $18,000,000. That budget is acceptable to USIA, contingent upon the approval of a multiyear contracting authority, that was accepted earlier this week by the Senate.

Some have argued that in this era of so-called glasnost, the neeed for an aggressive public diplomacy effort has diminished. I strongly disagree.

We never needed it more, because we do not know what is going to happen to the Soviet Union. We do not know what is going to happen to Mr. Gorbachev. We certainly do not know how sincere Mr. Gorbachev is. He is certainly a good PR man, and that is all we know about him. Now more than ever, we must bolster our ability to get our message of freedom and free enterprise to the world—the message of Washington and Jefferson. The Soviets may have stopped jamming VOA broadcasts recently, but what will prevent them from resuming their jamming? We have no guarantees against that. Besides, the absence of jamming doesn't mitigate against the necessity of sending a strong, reliable message to those in the Soviet bloc. That is what this amendment is all about. I think we ought to take the necessary few million dollars away from the enormous sum that we pump into the United Nations, for example, and use it for the benefit of America.

In conclusion, Mr. President, I believe it is of utmost importance that we stay on track with the modernization program. There is great return for a relatively small investment, as compared with the rest of the State Department and USIA budget. I urge the adoption of this amendment.

Finally, Mr. President, I ask unanimous consent that a list of all the languages to be broadcast by the VOA relay stations in Thailand and Morocco be printed in the RECORD.

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

LANGUAGES TO BE BROADCAST BY THE VOICE OF AMERICA RELAY STATION IN MOROCCO

Armenian, English, Georgian, Polish, Russian, Czechoslovak, Hungarian, Lithuanian, Albanian, Bulgarian, Greek, Romanian, Serbo-Croatian, Turkish, French (Africa), Hausa, Portuguese (Africa), Slovenian, Ukrainian, and Arabic.

LANGUAGES TO BE BROADCAST BY THE VOICE OF AMERICA RELAY STATION IN THAILAND

Cantonese, Mandarin, Korean, Russian, Dari, English, Farsi, Hindi, Indonesian, Pashto, Urdu, Arabic, Uzbek, Swahili, Amharic, and Bangla.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, the purpose of the amendment is an excellent one. We need to beef up USIA, VOA programs in Thailand and Morocco, but we also face budgetary problems.

Unfortunately, this would bust the budget by an even larger amount, and I think that on balance as responsible legislators we would be advised to hold off for this for the time being, bearing in mind it is a good idea and good objective looking forward to a time when our budget may be more in balance and when we can support it.

So I, as one Senator, do not intend to support this amendment.

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

The PRESIDING OFFICER (Mr. EXON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, a few moments ago I had sent an amendment to the desk and asked for its immediate consideration. Then I sought to have the pending amendment set aside by unanimous consent there was an objection. I have since conferred with Senator LEVIN. Even though we worked out an arrangement where I might proceed at this time to offer the amendment, I think I shall not do that, but shall await a later time to offer the amendment. In the absence of any other Senate business, however, I will use the present time to describe the amendment which I intend to propose, and it will abbreviate the time that I will later speak on the subject.

I am discussing the issue at this time because we are proceeding with the impeachment of Judge Alcee Hastings in a matter which convenes from 9 to 12 and from 1:30 to 5:30.

I have sought to propose the amendment at this time because of my unavailability otherwise, so that I am putting the managers on notice and also all Senators interested in this matter, that I will return at the first opportunity when the Hastings proceedings are not in progress to offer the amendment and to debate it more fully.

Mr. President, the amendment which is at the desk would provide the death penalty for any terrorist act which results in the murder of a U.S. citizen anywhere in the world.

In 1984, this Senator added similar legislation to a State Department authorization bill, legislation which made it a crime against the laws of the United States of America for anyone anywhere in the world to attack, maim, or murder a U.S. citizen. The amendment which I proposed to pursue at this time would add the death penalty to that provision.

Mr. President, this Senator believes that laws dealing with terrorism and the appropriate penalty for the murder of a U.S. citizen anywhere in the world, which should include the possibility of the death penalty being imposed by a jury under U.S. law, is a very important aspect of U.S. foreign policy.

We have seen a time when acts of terrorism have really become a means of modern warfare; when national objectives are carried out by terrorists; and when a response to terrorism by making it a violation of U.S. law under so-called long-arm jurisdiction is a very, very important aspect of U.S. foreign policy.

This kind of a provision, therefore, is very relevant, very germane, and very appropriate for consideration by the U.S. Senate on this legislation.

Mr. President, I have previously introduced Senate bill 36 which seeks to make the death penalty a sentencing option in a number of Federal criminal statutes. At the present time, there is very little on the Federal books which meets constitutional standards on the imposition of the death penalty. It may be that the only law which accomplishes that result is the statute passed last year by this body on drug-related murders because, since 1972 when the Supreme Court of the United States handed down a decision in Furman versus Georgia, a case which has been further modified by other Supreme Court decisions, there are very exacting standards which have to be met regarding so-called aggravating and mitigating circumstances. For example, the assassination of a U.S. President or treason or espionage or many other offenses which had prior to 1972, carried the death penalty no longer do because they have not been reenacted.

Senate bill 36 introduced earlier in this session by this Senator would seek to accomplish that result. But in the legislation which I am proposing at

the present time I will not seek to involve any broader aspect of the death penalty statute than that to cover international terrorism.

Mr. President, the acts of international terrorism have been horrendous. After I introduce this amendment formally, when I do not need unanimous consent to set aside other pending amendments, I will spend time detailing some of the acts of terrorism which I think require the death penalty.

But suffice it to say at this time for the limited purposes today that an act of terrorism is probably the classic example of murder in the first degree with malice aforethought because terrorist acts are carefully calculated, carefully planned, carefully pursued, and reflect the traditional brutality, malice, viciousness and the classical definition of malice aforethought which has been attached to murder in the first degree.

Murder in the first degree is accomplished both by the malicious act resulting directly in the killing, as, for example, the assassination of an American President, such as the assassination of President Kennedy. Or, it may be constituted by the commission of certain categories of felonies when a killing results in the course of a felony and the aspect of the felony imports the requisite malice to make the killing murder in the first degree. In some of the cases of terrorism, however, it may be that the killings were not calculated in advance. But there is no question, for example, in the murder of Robert Stethem, aboard TWA flight 847—which I will address in greater detail when I later formally propose the amendment—that the act unequivocally constitutes a murder in the first degree, or during the *Achille Lauro* hijacking that the killing of Mr. Leon Klinghoffer, terroists pushing him over the side of the ship, constituted the requisite malice, even aside from the malice imputed in the actual hijacking or in the hostage-taking.

Mr. President, since 1984 when the Congress of the United States acted to see to it that U.S. interests are protected around the world under so-called long-arm jurisdiction, the traditional rule is that criminal jurisdiction attaches where the offense is committed. For example, if the crime is committed in Arlington, VA, only Arlington has jurisdiction, the State of Maryland does not. But if the act is committed in Bethesda, MD, then only Maryland has jurisdiction.

But there is another category of the so-called long-arm jurisdiction where a nation or a sovereign can articulate a law where there is a nexus to or an interest in that party. The United States of America did that in 1984 in the Omnibus Crime Control Act when we established hijacking and hostage taking as a violation of U.S. law, and we did it further, as previously explained, in 1986 when legislation was passed making it a violation of U.S. law for terrorists to murder a U.S. citizen anywhere in the world.

Within the past several months, we have had the conviction in a celebrated case, United States versus Fawaz Yunis, of a man who was lured onto a boat in the Mediterranean and brought back to the United States for trial. He was convicted of an act of terrorism involving U.S. citizens, which was an exemplary prosecution reflecting excellent work by U.S. law enforcement officials.

The time has come, Mr. President, to make the death penalty apply to such acts of terrorism against U.S. citizens around the world, to put terrorists squarely on notice that the United States of America means business and that we have extended our long-arm jurisdiction to acts against U.S. citizens anywhere in the world. This country has every right to make it a violation of the criminal law of this country when our citizens' rights are affected anywhere in the world. And when a murder has resulted and people are apprehended, as Fawaz Yunis was, and brought to the United States, that a jury will have the option to impose the death penalty.

Mr. President, that is a very brief statement of what I propose to do. I note that there are other Senators on the floor who I believe have business to transact. I appreciate the opportunity to use this break in the action, so to speak, to give a very brief introduction of the amendment which I will be offering at a later time.

I thank the Chair, and I yield the floor.

Mr. GLENN. Mr. President, a parliamentary inquiry. What is the pending business?

The PRESIDING OFFICER. The pending business is the Wirth amendment, as amended by the amendment of the Senator from North Carolina.

Mr. GLENN. Pending is the Helms-Glenn VOA amendment; is that correct?

The PRESIDING OFFICER. The pending business is amendment No. 300 offered by the Senator from North Carolina.

Mr. GLENN. I thank the Chair.

Mr. WIRTH. Will the Senator yield?

Mr. GLENN. Yes.

Mr. WIRTH. Mr. President, I will withdraw my amendment numbered 299 which will therefore clean up the current parliamentary situation.

We had an agreement on both sides to approve the amendment which I had offered related to the USIA. The agreement was reached with the distinguished chairman of the committee and with the ranking member of the committee. In that agreement, however, we were not informed, I was not informed and I do not believe the committee was informed, that there was an intent to amend my amendment. It is my understanding that when you clear an amendment, you clear an amendment; you do not clear an amendment but then offer another amendment to it.

The amendment offered by Senator HELMS, and I believe the distinguished Senator from Ohio is a cosponsor of that amendment, that is fine. But that gets us into all kinds of other complexities related to the budget and so on.

All I wanted to do was simply offer the USIA amendment which was a very simple and straightforward one. It got all complicated now with the addition of the broadcasting facility in Thailand, which may be a perfectly legitimate goal, but that was not part of the original agreement that was reached here.

So what I am going to do, Mr. President, is to withdraw that amendment. It does not require unanimous consent. At this point, I withdraw the amendment.

The PRESIDING OFFICER. The Senator from Colorado has the right to withdraw his amendment. He has requested that of the Chair; is that correct?

Mr. WIRTH. That is correct.

The PRESIDING OFFICER. The amendment of the Senator from Colorado is, therefore, withdrawn.

The amendment, amendment No. 299, was withdrawn.

Mr. WIRTH. I thank the distinguished Senator from Ohio for yielding. I understand how the situation got more complicated than it has to be.

Mr. PELL. Mr. President, the Senator from Colorado is correct in his understanding. I understood there would be no further amendments. I though it was a very simple and good amendment but it became more complicated.

Mr. GLENN. Mr. President, I say to my good friend, the distinguished Senator from Colorado, I was not aware of the parliamentary intricacies here that had developed. I had been at another meeting and was told that the amendment I was interested in with Senator HELMS was on the floor and I should come over and make my remarks on it now. I was not aware of this other difficulty here. I hope this has taken care of it.

Mr. WIRTH. We might come back in a few minutes and offer the amendment in a clean fashion. Certainly the distinguished Senator from North Carolina and Senator GLENN and others who are interested in the Thailand broadcasting amendment, which is probably a good idea by itself, can go ahead and do that, but let us not get the two raveled up with each other.

I thank the distinguished Senator from Ohio.

The PRESIDING OFFICER. The Chair would advise the body that we are now back on the Helms amendment, as amended by the Grassley amendment, which is the pending business before the body.

AMENDMENT NO. 300

Mr. GLENN. Mr. President, I am very pleased to join my distinguished colleague from North Carolina and cosponsors BOREN, KASTEN, and PRESSLER in offering this amendment to restore $35 million for the Voice of America modernization program. For the fiscal year 1990, the administration requested $89 million to continue the replacement and refurbishment of VOA's aged and aging equipment and facilities. The Foreign Relations Committee-reported bill provides only $36 million for VOA modernization. As I understand it, this amount is sufficient only to pay the rent on leased transmitters in West Germany, to avoid default on existing contracts with suppliers, and to do minimal maintenance systemwide. Therefore, the committee figure would stop the critical modernization effort dead in its track—put it on hold—and push farther into the future the operational startup dates for the vital new relay stations in Morocco and Thailand.

Mr. President I was formerly a member of the Foreign Relations Committee for some 8 years. I served there with the very distinguished chairman, Senator PELL, and have nothing but the highest respect for him and for his competence and his leadership on that committee. I understand the difficulty he faces in trying to reconcile the administration's request with the congressional budget resolution. However, I must respectfully disagree with the decision to halt progress on the VOA modernization program.

The amendment now before us would add a modest $35 million to the radio construction account, bringing the total to $71 million. This amount would allow development of the Morocco and Thailand relay stations to continue on schedule; allow acquisition and installation of the transmitters and antennas to proceed on schedule.

It does us precious little good, Mr. President, to have acquired and developed these sites if we are not willing to provide the funding needed to buy the equipment necessary to broadcast from them. I believe, and I hope my colleagues would agree, that this is a relatively small investment that will pay—certainly has the potential to pay—large dividends for the United States. For less than 2 cents per listener a year, VOA reaches hundreds of millions of people around the world—even more in times of crisis, such as we have recently witnessed in China.

Again, we see the reports coming back from China that the Voice of America and the information being sent out from this country played a very effective role in what happened in China.

Let me expand upon that just a little bit, Mr. President. We thought for the last 25 or 30 years if the nations around this world would just come to their senses and embrace some phases of our democracy, both political and economic, that it would indeed make major changes in this world. We have sought that; we have hoped for that.

But now all at once over just the last 2 or 3 years we begin to see movement in that direction—movement started off by the Soviet Union, followed up by the Warsaw Pact nations, by Poland, by Hungary, and other nations around this world. We see the nations out in the Far East. We see China now becoming much more interested in an open economy. They have not followed up yet with the political opening up that we think should follow that.

But we see these movements toward democracy that we have hoped for over a quarter of a century now starting and people around the world wanting to emulate the success story that is the history of the United States of America. The story is there. The story is to be told. Our example is there for the rest of the world to use if we can keep them informed during this very crucial time period.

In times past, I have been among those who questioned whether our efforts in this, the Voice of America and some of the information programs, really were that effective around the world. Some of our libraries at the different Embassies and the consulates around the world, are they really used? Well, you wonder whether they are really worth keeping open. You wonder whether the broadcasts are really listened to going out.

Yet here in a crucial example, a crucial time in Chinese history, when the students and those who wanted the political freedoms to follow, the economic freedoms that had been started by the Chinese Government, they wanted more. They wanted more movement toward a democracy like ours and certainly they are not approaching our standards of constitutional law and rights of the individual that we hold dear in this country.

But they are moving in that direction and that is the reason I think it is so important that we carry on with the Voice of America. The major source of information during that whole episode with the students in China was coming from the Voice of America, from other international broadcasts, as well as from TV, satellite broadcasts going back and forth.

We had phone banks of students in this country who were phoning their counterparts in China to try to get support for the students' movement. We had people listening, hundreds upon hundreds of thousands estimated in China, that had the Voice of America as their major source of information during that period. And, fortunately, during most of that period, the Chinese made no attempt to jam them. They made no attempt, really, to cut off communications by telephone and other things that could have been used to cut off communication from one student group to another.

So I think particularly at this time period, as we see the world opening up to democratic ideas, as we see some of the monolithic nature of communism of the past beginning to crack a little bit, beginning to crumble a little bit, it creates such a tremendous opportunity for us if we can just avail ourselves of this opportunity and help supply information to interested parties and students and others around the world.

That is the reason I think this is so important, the critical role of the VOA in China as a reliable source of accurate and timely information to hundreds of millions of Chinese who did not and do not have access to such information from their own news media. That was evident to us all.

But how many of my colleagues are aware that the VOA facility in the Philippines, which carries the broadcast to China, is the only shortwave relay station for all of China and Easttern Asia? It is made up of 35-year-old transmitters, now stretched to the limit with the increased demands for broadcast hours to China as well as the multiple other language broadcasts carried by the Philippine station.

In many other parts of the world VOA's signal is weak. In some areas it is distorted. In some areas it is not existent because of similarly antiquated equipment.

America's international broadcasting system is generally below modern international standards and it is just increasingly difficult to maintain this old equipment. About three-quarters of VOA's transmitters are more than 15 years old. About one-third have been in operation for more than 30 years. Unbelievable as it may seem, VOA is even still using equipment captured from the Nazis in World War II.

For these older transmitters VOA must specially fabricate some replacement parts because they are no longer available. They are not even being manufactured anymore.

Other major international broadcasters are using newer, more powerful transmitters which incorporate technical advances made in recent decades.

The present international standard is the 500-kilowatt shortwave transmitter which is dramatically more efficient than older models as well as more than twice as powerful than

those we have been using in the VOA system.

For example, France, West Germany, and Great Britain all make extensive use of these more powerful transmitters.

Let me note this, The Soviet Union has more than 30 of the higher-power 500-kw transmitters. We must be able to provide a strong and clear signal if we are to be competitive, if we are to keep these people fully informed who look to us for information. The Morocco and Thailand relay stations will employ state-of-the-art 500 KW transmitters.

In the early 1980's a decision was made in the National Securtiy Council to modernize and expand the broadcast capabilities of the VOA. Some might argue that the early 1980's was a different era and that the international climate has changed to such a degree that VOA has outlived its usefulness. Nothing, I believe, could be further from the truth, as witnessed by China in 1989. VOA still provides a vital service to millions of listeners worldwide. But it cannot continue to compete in the realm of information and ideas into the next century with decades-old equipment.

VOA clearly demonstrated its utility during the recent crisis in China. In support of this amendment a continuation of VOA modernization will ensure that the United States has the capability to respond with sufficient power and clarity to the next crisis, whether it be in Asia or elsewhere in the world.

Mr. President, we have some charts here that I would like to call to the attention of my colleagues very briefly. Mr. President, I invite my colleagues' attention to the charts.

In the first chart the pink and lighter color areas are areas that we are reaching now. Senators can see what large areas of the world we are not covering adequately. What we are proposing with these new transmitters would do what? This would be the coverage, in pink, to the nations of the world once we have made the changes that I am talking about today. That is the reason I support this. It gives us much better coverage, more reliability, particularly out in that Far East area, that we find critical and where so many changes are now going on.

So, Mr. President, for all these reasons I certainly support the amendment offered by my distinguished colleague from North Carolina. I am proud to offer this along with him. We hope that we can see this construction continue and not be cut off because of our other fiscal difficulties.

Let me talk for a minute about these new stations. The Israeli station is a joint BIB/VOA station which the committee has fully authorized so it is not at issue. The Morocco station is located at Tangier; it will have ten-500 kilowatt shortwave transmitters. Site development work has been done and station design completed. Last year construction and transmitters contracts were awarded. The Morocco station will carry broadcasts in Armenian, English, Georgian, Russian, Polish, Czechoslovak, Hungarian, Lithuanian, Albanian, Bulgarian, Greek, Romanian, Serbo-Croation, Turkish, French, and Portuguese, Slovenian, Ukranian, Arabic, and Hausa.

That is quite a lineup. That gets almost all the people we can think of in that part of the world. Its estimated on-air date is September 1992—assuming, Mr. President, that we pass this amendment and keep the modernization project on schedule.

The Thailand station is located at Udorn and will have six 500-kilowatt shortwave transmitters. Preliminary site development and station design have been completed. The Thailand station will carry broadcasts in Cantonese, Mandarin, Korean, Russian, Dari, Pashto, English, Farsi, Hindi, Indonesian, Urdu, Arabic, Uzbek, Swahili, Amharic, and Bangla. Its estimated on-air date is June 1993, again assuming we do not fall off schedule due to inadequate funding this coming fiscal year. The Thailand station will vastly improve VOA's signal to China, as well as to other critical areas of the Near East and Far East. Nearly half the world's population will be within listening range of the Thailand station.

Information is a powerful tool and shortwave radio has proved an effective means of circumventing official news distortion and censorship by reaching listeners directly with accurate and timely information. Who did the Chinese Government expel during the height of the recent crisis—the VOA correspondent. I hope my colleagues will agree that this modest additional investment is warranted in order to insure that the VOA's signal can be heard loudly and clearly in the target areas on into the 1990's and beyond.

One further glance at these two charts indicates what we are talking about. The pink areas are those that are covered now. The pink areas on the other chart are the areas of the world that will be covered if we go ahead and authorize these stations and appropriate the money for them. I think it is obvious that we need this. The modest $35 million investment will provide that capability for getting the story of the world's democratic example before the rest of the nations of the world aspiring to sometime attain the same kind of freedom of economy and political freedom that we have in this country.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. FOWLER). The Senator from Rhode Island.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MITCHELL. Mr. President, I ask unanimous consent that the votes previously ordered for 2:15 p.m. occur at 3:15 p.m.; that no further amendments be in order to either the Gore or the Mack amendments; that no votes occur prior to the first vote at 3:15 p.m., and that this unanimous-consent agreement supersede the previous unanimous-consent agreement.

The PRESIDING OFFICER. Is there objection? The Chair hears none. It is so ordered.

The Senator from Montana is recognized.

Mr. BAUCUS. I thank the Chair.

(The remarks of Mr. BAUCUS pertaining to the introduction of S. 1353 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. WIRTH). The Senator from Mississippi.

Mr. LOTT. Mr. President, I ask unanimous consent to address the Senate for 5 minutes as if in morning business.

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

The Senator from Mississippi is recognized.

Mr. LOTT. I thank the Chair.

(The remarks of Mr. LOTT pertaining to the submission of S. Res. 155 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

AMENDMENT NO. 301

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration. I send it on behalf of myself, the Senator from Rhode Island [Mr. PELL]; the Senator from New York [Mr. MOYNIHAN]; and the Senator from Maryland [Ms. MIKULSKI].

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

Mr. LOTT. Reserving the right to object. Could we inquire what the amendment is?

Mr. KENNEDY. I will describe the amendment and after a brief description, if the Senator wants to have a full reading of it, I would ask that his rights be preserved.

Mr. LOTT. I will be glad to go along with that reservation.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. PELL, Mr. MOYNIHAN, and Ms. MIKULSKI, proposes an amendment numbered 301.

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

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

The amendment is as follows:

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

SEC. . FINDINGS.—

(1) It is the policy of the United States to support and promote democratic values and institutions around the world.

(2) Over the last decade, the United States, in concert with other nations, has provided support to those working for democracy in many nations throughout the world.

(3) Such support has advanced the cause of freedom and democracy in those nations by providing international technical expertise on holding free and fair elections, providing international observers to document the conduct of the elections and in offering economic and humanitarian support to newly established democracies.

(4) On June 8, 1989 at the commencement ceremonies at Harvard University, the newest leader of a democratic nation, Prime Minister Benazir Bhutto of Pakistan, called for the establishment of an Association of democratic Nations to support the right of peoples everywhere to choose freely their own government.

(5) The goals of the Association would be to promote:

(a) the holding of elections at regular intervals which are open to the participation of all significant political parties, which are fairly administered, and in which the franchise is broad or universal;

(b) respect for fundamental human rights including freedom of expression, freedom of conscience, and freedom of association.

(c) international recognition of legitimate elections through international election observer missions at all states of the election, including the campaign, the voting and the ballot counting.

(d) The mobilization of international opinion and economic measures against the military overthrow of democratic governments.

(e) The provision of economic assistance to strengthen and support democratic nations.

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

(1) the proposal offered by Prime Minister Benazir Bhutto of Pakistan would further the cause of democracy, freedom and justice and is in the interest of the United States.

(2) the President of the United States should give serious consideration to the implementation of the proposal, and should provide by December 31, 1989 a report to Congress assessing the merits of and estimated annual costs of establishing such an Association of Democratic Nations.

Mr. KENNEDY. Mr. President, this amendment calls for the establishment of an Association of Democratic Nations. In the last decade, we have witnessed an extraordinary transfer of political power from dictatorship to democracy in countries around the globe.

The United States and other nations have given extensive support to this worldwide struggle for democracy, and this amendment will encourage and enhance that support.

This proposal was first put forward on June 8 of this year during the commencement ceremonies at Harvard University by the world's newest democratic leader—Prime Minister Benazir Bhutto of Pakistan.

In her eloquent speech before her alma mater, Prime Minister Bhutto recalled how important such international support was to her own struggle to bring democracy to Pakistan.

From the letter to her by Senator PELL that she received in prison to the international delegation of election observers that monitored the 1988 elections, international support time and again provided critical assistance in her struggle.

As Prime Minister Bhutto noted in her commencement address, "democracy needs support and the best support for democracy comes from other democracies."

This amendment is straightforward.

It recognizes that the proposal offered by Prime Minister Bhutto would advance the cause of democracy, freedom and justice and is in the interest of the United States.

It also urges the President to give serious consideration to the implementation of the proposal and to report to Congress by the end of the year on ways to establish an Association of Democratic Nations.

Democratic nations should come together in a new consensus to support what Pime Minister Bhutto has called "the most powerful political idea in the world today: The right of people to freely choose their government."

In Latin America and Central America, where dictatorships were once the norm. Country after country has moved to a democratic form of government. Ignited by the people power revolution led by President Corazon Aquino in the Philippines, the idea of democracy has spread throughout Asia—to South Korea, to Burma, to Pakistan, and to the students of China. And now we are witness to historic democratic movements in the Communist nations of Eastern Europe.

The United States has worked with democratic individuals and institutions in these nations in support of their efforts to promote freedom and justice in their own nations.

We have urged free and fair elections, provided technical election assistance, sent international observer missions and provided economic assistance to newly democratic nations.

In cases where democracy continues to be denied, where dictators continue to brutalize advocates of freedom—such as in China—we have worked for international condemnation and diplomatic, military and economic isolation of the government.

The imaginative proposal put forward by Prime Minister Bhutto would help to bring together the democratic nations of the world in a concerted effort to promote democracy and to support all peoples working to achieve it. America's own experience underscores how important international support is to a struggling democracy.

This amendment will put the United States and all the democracies of the world in the forefront of the effort to support struggling democracies everywhere. I urge my colleagues to lend their support to Prime Minister Bhutto's commendable proposal.

Mr. President, I ask unanimous consent that the text of Prime Minister Bhutto's address at Harvard be printed in the RECORD.

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

[From the Harvard Gazette, June 16, 1989]

BHUTTO URGES DEMOCRATIC NATIONS TO UNITE FOR FREEDOM

[NOTE.—The following is the 1989 Commencement address by Prime Minister Benazir Bhutto.]

President Bok, members of the Board of Overseers, new graduates, and distinguished alumni, I am honored to have been asked to make this commencement address to the Class of 1989. First let me congratulate all those who have been awarded degrees at today's commencement.

Not too long ago, I sat where you now sit. I can vividly recall the effort your degrees represent—tramping to class in sub-Arctic temperatures, fighting for reserve books at Hilles Library, cramming for exams, and the occasional all-nighter to complete a term paper.

Today is the day of celebration and I am privileged to share it with you. I am also greatly honored by the degree you have conferred on me. I am grateful, President Bok, for the kind words in your citation. However, I regard this honor as more than a personal recognition.

I consider it an affirmation of your abiding belief in the universality of the principles of democracy, liberty, and human rights. Events two centuries ago earned Cambridge, Boston, and the surrounding region the sobriquet "the cradle of liberty." It was here that the first successful struggle against European imperialism began. It was here—under the banner "no taxation without representation"—that the idea of government by the consent of the governed first gained currency.

Cambridge and Harvard were my cradle of liberty, too. I arrived from a country that, in my lifetime, had not known democracy or political freedom. As an undergraduate I was constantly reminded of the value of democracy by the history of freedom that permeates this place. It was not just the history of democracy that inspired me at Harvard. It was, above all, the concrete expression of it.

My Harvard years, 1969 to 1973, coincided with growing frustration over U.S. policy in Southeast Asia. This was particularly true in the campuses where students were in the forefront of those protesting the Vietnam War. For me, there were demonstrations on

Boston Common and in Washington; mass meetings at Harvard Stadium.

Some American commentators argued that the division over Vietnam signalled American weakness. I saw it as a measure of America's greatness—a reflection of democracy in action—of an open society, which, because it is open has the means of regeneration and revitalization. In the Pakistan of those days, the press did not criticize the government—because the government controlled the press.

While I was a junior at Harvard, Pakistan initiated an experiment in democracy. The experience is instructive. As 1971 ended, our country was in ruins. A third of the territory and more than one-half of the population was gone, the result of a military defeat precipitated by military repression in what was then East Pakistan. War and mismanagement had left our treasury empty and our economy in shambles. Ninety-three thousand Pakistani soldiers were prisoners of war, threatened by their captors with trial and punishment. Internal discord in West Pakistan threatened the survival of what was left of our country. A protracted period of military rule produced this catastrophe.

It was a disaster resulting from rule without accountability, brought about by the arrogance of a self-imposed mission to save the country from its own people. In the face of catastrophe, what did our military leaders do? They turned power over to the civilians, to an elected Prime Minister.

In a pattern repeated by the Greek colonels and Argentine junta, our military said, in essence, "we have created a hopeless situation; we now wash our hands of the responsibility to resolve it." But resolve it we did. The elected Prime Minister negotiated an honorable peace with the victor. He secured the return of the prisoners of war. He put the economy back on its feet. And he initiated a program of social and economic reform to benefit the poor and dispossessed, who are the majority in our land.

All this was done, I might add, at a time of global economic recession brought about by the oil shocks of the 1970s. What then happened? As is the case in democracies, the political process again became rambunctious. Opposition politicians challenged the elected government in the press, at the polls, and in the streets.

The military whose dignity was restored by the elected government moved in "to end the squabbling among politicians." The new dictatorship proved more brutal, more determined to stay in power than any of its predecessors. Elections were promised and summarily cancelled. The elected Prime Minister was arrested and then, under the cloak of a judicial proceeding, murdered. Flogging, imprisonment and execution became the staple of political life in our land. Under the circumstances that were as remarkable as they were unexpected, Pakistan last fall got a second chance at democracy. It is an opportunity we must not lose.

In our first act, I am happy to say, our government freed all political prisoners and commuted all death sentences. We have restored freedom of speech, freedom of association, and freedom of the press. In the National Assembly there is a lively opposition and, for the first time in our history, the State-owned television provides full coverage of their activities. Senator Daniel Patrick Moynihan, who recently visited me in Islamabad, once wrote that "if you are in a country where newspapers are filled with good news, you can be sure that the jails are filled with good men."

Even a casual review of our press would serve to confirm the obverse of the Senator's statement. Around the world democracy is on the march. In the last decade Pakistan is only the most recent country to change course from dictatorship to democracy.

But we must be realistic. We must recognize that democracy, particularly emerging democracy, can be fragile.

I have already cited the experience of our last democratic government. The example is not confined to Pakistan. In the Philippines, Corazon Aquino's three-year-old democracy has already endured several coup attempts. In Argentina, there have been half a dozen military rebellions. In Peru, terrorism and narcotics threaten a 15-year-old experiment in democracy.

Democracy needs support and the best support for democracy comes from other democracies. Already there is an informal network to support democracy. Annually, the United States prepares a report on human rights in every country.

In prison, I was heartened to learn that the Congress had linked U.S. assistance to Pakistan, in the Pell Amendment, to the "restoration of full civil liberties and representative government in Pakistan."

Friends of democracy in other countries, including Britain, Canada, and Germany, sent delegations to investigate human rights abuses in Pakistan. Our elections last November 16 were made easier by the presence of observers sponsored by the Democratic Party of the United States, the British Parliament, and the South Asian Association for Regional Cooperation.

This informal network for democracy can and should be strengthened. Democratic nations should forge a consensus around the most powerful political idea in the world today: the right of people to freely choose their government.

Having created a bond through evolving such a consensus, democratic nations should then come together in an association designed to help each other and promote what is a universal value—democracy.

Not every democracy organizes itself in the same way; nor does every democracy express itself the same way. But there are two elements I consider essential to all democracies. There are:

(1) The holding of elections at regular intervals, open to the participation of all significant political parties, that are fairly administered and where the franchise is broad or universal; and

(2) Respect for fundamental human rights including freedom of expression, freedom of conscience, and freedom of association.

There are several ways in which members of an Association of Democratic Nations can help each other. One way is to ensure the impartiality of elections. After all, democracy as a system of government can only work when all participants in the political process accept the verdict of the people.

For the verdict to be accepted as legitimate, elections must not only be fair, but they must also be seen to be fair. International observer missions have already played critical roles in ensuring fair outcomes to elections in several countries, including mine.

The presence of observers is a deterrent to fraud. The observers' report can help legitimize an election in an emerging democracy where popular skepticism can be rife (as in South Korea), or it can validate local perceptions of fraud, as in the Philippines and Panama.

Observers also bring television cameras with them. It is harder to steal an election if the whole world is watching, and as the experience of the Philippines suggests, attempted fraud under the glare of television lights can help galvanize a popular uprising.

There are other ways in which an Association of Democratic Nations can provide some protection for democratic governments in the Association. In countries without established traditions of representative government, democracy is always at risk. All too often, there is the overly ambitious general, the all-too-determined fanatic, or the all-too-avaricious politician. The Association of Democratic Nations can help change the calculus for each of these potential coup plotters by adding the element of international opprobrium.

The Association can mobilize international opinion against the leaders of any coup. Ultimately, I believe, the door should be open to stronger steps, including economic sanctions. Democracy depends on our ability to deliver to the people.

Many new democracies find that dictatorship has left them with empty treasuries—because of reckless spending and no accountability under dictatorship. As was true for new democracies in other lands—notably Argentina and Brazil—we in Pakistan also found that dictatorship had left the state coffers empty. Our situation is not unique. Other new democracies have come to power to find the cupboard bare.

The Association could promote the idea that foreign aid should be challenged to democracies. There is nothing wrong with rewarding an idea in which the donors believe. The prospects for democracy may depend on it. Some may object that the Association I am proposing will have primarily moral force.

I acknowledge this, but I would urge that morality has a larger power in international relations than commonly recognized. Democratic nations can also cooperate in building an international machinery to protect human rights and principles of justice and due process of law.

National efforts to strengthen institutions that protect people from human rights abuses and guarantee their political freedoms need to be reinforced at the international level.

Dictatorships will always seek ways and means to clothe their crime in the garb of legality—always seek to settle political scores and eliminate opponents in the name of justice, law, and due process.

The instrument that they use is as old as political history, as old as the trial of Socrates. It is the instrument of the Political Trial—a most pernicious and destructive weapon, which in the hands of skillful manipulators is extremely effective in suppressing dissent and in destroying opponents. I believe it is time that the international community makes a concerted effort to put an end to such practices.

In my country many of those who resisted dictatorship—the heroes of our democratic struggle—were young men and women of your age. Many of them endured long periods of incarceration, and faced charges on political trials that were a travesty of truth and justice.

Many suffered the worst forms of torture and the humiliation of the physical punishment of flogging. Indeed, many had to make the supreme sacrifice with their young lives.

I can never forget what they endured. I can only strive with all my strength to give meaning to what they sought—those simple

but priceless freedoms that you here, perhaps, take for granted.

But it is faith that inspired and provided sustenance to our democratic struggle—faith in the righteousness of our cause, faith in the Islamic teaching that "tyranny cannot long endure." How wrong therefore is the picture that is often painted about Pakistan as a country that cannot be democratic because it is Muslim country as such cannot have or work democracy.

But I stand before you, a Muslim woman, the elected Prime Minister of a hundred million Muslims, a living refutation of such arguments and notions. This has not happened as an isolated phenomenon.

It has happened because the people of Pakistan have demonstrated, time and again, that their faith in their inherent right to fundamental freedoms is irrepressible, that they will always fight against dictatorship.

This love for freedom and human rights may owe a considerable deal to the colonial legacy and to the example of Western democratic institutions. But it arises fundamentally from the strong egalitarian spirit that pervades Islamic traditions. The Holy Quran calls upon Muslims to resist tyranny. Dictatorships in Pakistan, however long, have therefore always collapsed in the face of this spirit.

Islam, in fact, has a very strong democratic ethos. With its emphasis on justice, on equality and brotherhood of men and women, on government by consultation and consensus, Islam's essence is democratic.

Pakistan is heir to an intellectual tradition of which the illustrious exponent was the poet and philosopher Muhammad Iqbal. He saw the future course for Islamic societies in a synthesis between adherence to the faith and adjustment to the modern age.

It is this tradition which continues to inspire the people of Pakistan in their search for their own way of life amidst competing ideologies and political doctrines. Tolerance, open-mindedness, pursuit of social justice, emphasis on the values of equality and social concord, and encouragement of scientific inquiry are some of its hallmarks.

It drew strength from the fact that Islam admits no priesthood and that Muslim culture, in its most vital and creative periods, accommodated and advanced what was best in other cultures. Intensely devoted as the pioneers of this tradition were to the Islamic spirit, they were also strongly opposed to bigotry and obscurantism in all their forms.

Xenophobia or prejudice against other civilizations, western or non-western, was repugnant to their outlook. I am indeed proud of this heritage. It is this heritage that has enabled me to take on the awesome responsibilities of the Prime Ministership of my country.

As my country stands on the threshold of greater freedom and sets the priorities that it will take into the 21st century, we draw our inspiration from what the poet-philosopher Iqbal said—and what is universally applicable:

"Life is reduced to a rivulet under dictatorship. But in freedom it becomes a boundless ocean." This is true in Pakistan, and on every continent on earth. Let all of us who believe in freedom join together for the preservation of liberty.

Democratic nations unite.

Thank you very much.

Mr. LOTT. Mr. President, reserving the right to object, and I do not intend to object, we have not had an opportunity to see the amendment, as I understand it, on this side. If we could get a copy of the amendment, maybe our staffs could have a moment to look it over.

Mr. KENNEDY. I would be glad to follow whatever procedure the minority would want. I was under the impression they had an opportunity to review it. I certainly understand. I would be glad to either suggest the absence of a quorum or, if the floor leader wants to proceed in some other way, to temporarily set this aside, I would be glad to do that.

Mr. KERRY. If my colleague will withhold that for just a moment. It was my understanding with the distinguished chairman of the committee that this has been cleared on both sides, if my colleague from Mississippi would like to check that momentarily. But I have been told expressly that it has been cleared.

Mr. LOTT. I was under the impression that we had not seen the amendment. We are checking to see if we cannot clear this up momentarily. We would certainly like to do that. If the Senator could withhold for just a minute I think we will get some definitive word or get it worked out.

Mr. KERRY. Let me restate again that this has been discussed with Senator HELMS. In fact, Senator HELMS suggested changes. Those changes were incorporated.

Mr. KENNEDY. Mr. President, I am glad to temporarily set it aside and give the acting minority manager a chance to review it. At a time when he is satisfied, if they would find an appropriate time to consider it favorably, that is satisfactory to me, or if they would want to have a quorum call, whichever way the managers want to proceed.

Mr. KERRY. Mr. President, before we proceed with a quorum call or to see if we could temporarily set aside, if it needs to be—I know my colleague does not intend to hold this up—let me just say that I would like to commend my senior colleague from Massachusetts for this proposal and offer my own support and the support of the chairman for it.

We were delighted to be able to welcome Prime Minister Bhutto to Massachusetts, to Harvard for commencement exercises, as well as for a dinner which the senior Senator hosted at the Kennedy Library. I think that her speech at Harvard really contained a concept which can be in some ways likened to the proposal of General Marshall when he came to Harvard and proposed the Marshall Plan itself.

The plan which she set forth contained a very bold and farsighted proposal for the creation of this new international organization, an association of democratic nations.

I think that when you measure the number of organizations that we have in the world today—from NATO to ASEAN, to the economic organizations, the G-7, the OECD, and so forth—it really is appropriate that there exists an organization such as this that is dedicated to the simple right of human beings to be able to choose the kind of government that they want to live under.

So we are very supportive of it. I commend my colleague for this particular amendment to the bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the as roll.

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

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

Mr. KERRY. Mr. President, I am informed now this matter is fully cleared and we can proceed, I believe.

Mr. LOTT. If the Senator will yield, yes, we have checked on that. It had been previously cleared with this side of the aisle and, as I understand it, there is no problem.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment (No. 301) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Indiana.

Mr. COATS. Mr. President, I want to indicate to Senators on the floor that I am prepared at this time to offer an amendment to this bill relative to Panama. However, it is my understanding that Senator DODD is attending, or at least has attended, a funeral for a former Governor of Connecticut and has not returned and I will withhold offering that amendment until he does return.

This is the same amendment as was offered several weeks ago as a sense-of-the-Senate amendment to the supplemental appropriation. Senator DODD and I engaged in lengthy discussion on that amendment. I think it is appropriate that he be here, but I

wanted to indicate to the floor managers that I am prepared to offer this amendment at this time and will do so as soon as Senator DODD returns.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I appreciate the patience of the distinguished Senator from Indiana. There are a number of amendments on which we are waiting to proceed which involve Senator DODD as chairman of the Western Hemisphere Committee. But I would ask colleagues who have amendments, particularly I think there are some with respect to China, there are some with respect to the environment, and others, which we may well be able to accept. If we cannot, we certainly are prepared to proceed forward on them.

I think for those Members who, obviously, do not cherish staying here until the wee hours of night, it would be good if we could try to use this time at this moment. I alert them this is a good time to come. We can proceed forward and I hope they will do so.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER [Mr. GRAHAM]. Without objection, it is so ordered.

Mr. KERRY. Mr. President, as we all know, the President of the United States just returned from a very successful trip abroad, during which time, for the first time in history at summit level, the environment became a significant issue of discussion. I know that the Senator from Colorado, Senator WIRTH, will have a few comments to make on this and will join me in a moment.

But as all of us know, we face a period of time now where national security has to begin to be defined in something more than simply military terms. I know the Presiding Officer has been one of those leading the fight to try to help define it in the context of an economic challenge, both our own competitiveness capacity, as well as the trade issue.

But the Senator from Colorado has been a leader along with others in trying to help define it in environmental terms. Certainly, no issue rises as clearly to the top priority of those issues among the environmental constellation as the issue of global warming on which Senator WIRTH has been a leader. I think many of us had an expectation and a hope that Paris would have produced something more than rhetoric.

Increasingly, scientists are becoming aware that the chlorofluorocarbon emission issue is something that really cannot wait until the year 2000 for resolution. And there are many of us who believe that it would have been provident for the leaders at that summit to do more than merely acknowledge the importance in acknowledge in rhetoric the willingness to talk about it but to actually take specific steps and begin to set out a protocol by which the industrialized nations of the world are going to judge their actions.

I ask the Senator from Colorado who has watched this closely and really helped to raise the consciousness of the country on this issue whether or not from his perspective he believes that an opportunity was taken advantage of or neutralized or even lost with respect to what happened in Paris.

The PRESIDING OFFICER. The Senator yields to the Senator from Colorado.

Mr. WIRTH. If the Senator will yield, I thank the distinguished Senator from Massachusetts for bringing up this issue at this important time on this piece of legislation.

There is no question about the fact that almost all of us are overtaken by the rapidity with which the issue has grown, the growing awareness on the part of our public and that of the other Western industrialized democracies, that understanding very clearly that that issue transcends our relationships between the United States and the Soviet Union, and the economics discussed in the G-7 group are almost overtaken, if you read the stories in the press about the environmental issue.

With all of that as setting the question I think we have to ask ourselves, which is raised so well by the Senator from Massachusetts, is did we appropriately take advantage of this opportunity presented last week in Paris, and I think while there were a couple of small wedges in the door, one, as the President said in his press conference, we talked about it; and, second, a little bit of research was agreed to do, we did not really do much more than that.

The sense of urgency that I believe is felt by the Senator's constituents and mine, a sense of urgency felt by a whole set of constituencies in Europe, a sense of urgency made very, very clear by any indications of what is going on in terms of environmental destruction, that sense of urgency felt by everybody else I do not think was accurately or adequately reflected by the response of the leaders not only from the United States but elsewhere.

We have started. There is no question about the fact that we have started in the admission that this is out there on the agenda, and it is certainly important to have it on the agenda. It is better than it not being on the agenda from my perspective, and I think that is shared by the distinguished Senator from Massachusetts. It should be much higher on the agenda, and should have been an item that was picked off in terms of how are we going to get the Montreal Convention to move more rapidly to eliminate all chlorofluorocarbons where possible.

That is not going to be 100 percent possible. We can move more rapidly in that direction. Can we get some kind of a protocol right away on carbon dioxide? Is that going to be possible? What kind of greater cooperation ought to exist between the G-7 countries and the countries in Eastern Europe where prevailing winds go back and forth and damage is being done by one nation to another with enormous economic consequences?

There are a series of very important steps that we could be taking now. We must be taking them much more quickly than I think we are.

The urgency was not felt. It was a start, pretty modest start, but that is a long response to the question. But I think we started but not with the kind of urgency, not with the kine of direction, not with the kind of momentum that we are going to need.

I know that the Foreign Relations Committee is committed to increasingly pushing in this direction. We are doing that on the Energy Committee. The Senator from Massachusetts and I and others on the Banking Committee are working on it. It is coming in a lot of different directions. We have to push, and we have to increase that momentum. That is part of our responsibility.

The Senator from Vermont, Senator LEAHY, is always talking about us, and I think very accurately, as a conscience of the country in the U.S. Senate. The country wants to hear that our Government is moving much more aggressively on the environment, and environmentally related issues. Let us continue to work with the administration, and I hope we can get a little faster movement than we have seen so far.

Mr. KERRY. I thank my colleague for his answer.

I would also point out that in the context of this national security issue it took us as human beings 130 years to go from 1 billion people on the face of this planet. We are now 5 billion people. We will go from 5 billion to 6 billion in the span of 10 years. So we will add in 10 years to the globe what was added in 130 years.

What is important to note is that—I believe we are at the hour of 3:15.

The PRESIDING OFFICER. The Chair would indicate that by unanimous consent the Senate, at 2:15, was to commence two back-to-back rollcall votes.

29-059 O-90-16 (Pt. 11)

Mr. KERRY. Mr. President, I ask unanimous consent that the Senator from West Virginia be permitted to proceed for not more than 3 minutes for the purpose of disposing of an amendment prior to the commencement of the prior-determined vote.

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

Mr. BYRD. Mr. President, I ask unanimous consent that I may offer this amendment notwithstanding that there are other amendments pending.

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

AMENDMENT NO. 302

(Purpose: To assign commercial officers to the U.S. Mission to the European Community)

Mr. BYRD. Mr. President, I send an amendment to the desk on behalf of myself, Mr. DANFORTH, Mr. DIXON, Mr. ROCKEFELLER, and Mr. BINGAMAN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. DANFORTH, Mr. DIXON, Mr. ROCKEFELLER, and Mr. BINGAMAN, proposes an amendment numbered 302.

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

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

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

SEC. . ASSIGNMENT OF COMMERCIAL OFFICERS TO THE UNITED STATES MISSION TO THE EUROPEAN COMMUNITY.

Within 90 days of enactment of this law, the United States Foreign and Commercial Service shall assign to the United States Mission to the European Community in Brussels no less than three commercial officers and other support staff as necessary.

Mr. BYRD. Mr. President, I have a very simple amendment to propose today. The Commerce Department wants to send its own representatives to Brussels to which the European Community—the EC—as it makes arrangements which will govern the conduct of business after Europe further integrates in 1992. The State Department does not want Commerce to have its own people in Brussels. I think this is shortsighted and deleterious to the economic future of the United States. My amendment directs the relevant division within the Commerce Department, the United States and Foreign Commercial Service, to assign not less than three commercial officers and support staff as necessary to the U.S. Mission to the European Community.

That is all it does. It tells Commerce to do what it ought to be doing and it tells the State Department to stop holding up the process. The State Department wants a monopoly on economic reporting from Brussels. That does not make sense. Of course, there is a role for the State Department in Brussels. But there is also a role for the Commerce Department—and it is one that does not duplicate that of the State Department. For example, the U.S. Foreign and Commercial Service is responsible for promoting American exports, including those of small- and medium-size businesses. The National Institute of Science and Technology has expertise in the standards area that exists nowhere else in the U.S. Government. They exist nowhere else in the U.S. Government.

After all, the State Department is not the only Federal agency which has representatives in Brussels. The U.S. Trade Representative has one person; the Customs Service has one person; the U.S. Information Agency has three people. The Agriculture Department has six people in Brussels. Yet the State Department does not think the Commerce Department should have any people in Brussels. That does not make sense.

I continue to remain concerned that America's economic future is being mortgaged because we refuse to recognize that America's national security is inextricably linked to America's economic health and well-being. What Europe does to enhance its economic and monetary cooperation will directly affect America's economic health and well-being. Decisions made about 1992 will directly affect America's ability to export to Europe.

I hope the managers will accept the amendment.

I urge my colleagues to support this amendment. It is in America's interest to do whatever we can to ensure America is ready for 1992.

The PRESIDING OFFICER. Is there further debate?

Mr. KERRY. Mr. President, this has been cleared on both sides. We are delighted to accept the amendment. It is an important step in terms of American competitiveness. We thank the distinguished President pro tempore for this amendment.

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

The amendment (No. 302) was agreed to.

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

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 290

The PRESIDING OFFICER. Under the previous order, the vote will not occur on amendment No. 290, which has been offered by the Senator from Tennessee [Mr. GORE].

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA], is absent because of illness.

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

The result was announced—yeas 38, nays 61, as follows:

[Rollcall Vote No. 123 Leg.]

YEAS—38

Adams	Gore	Nunn
Bentsen	Harkin	Pell
Biden	Inouye	Pressler
Bradley	Jeffords	Pryor
Breaux	Johnston	Riegle
Bumpers	Kennedy	Robb
Burdick	Kohl	Rockefeller
Byrd	Lautenberg	Sanford
Cranston	Leahy	Sarbanes
Daschle	Levin	Sasser
Exon	Metzenbaum	Simon
Ford	Mikulski	Wirth
Glenn	Moynihan	

NAYS—61

Armstrong	Fowler	McCain
Baucus	Garn	McClure
Bingaman	Gorton	McConnell
Bond	Graham	Mitchell
Boren	Gramm	Murkowski
Boschwitz	Grassley	Nickles
Bryan	Hatch	Packwood
Burns	Hatfield	Reid
Chafee	Heflin	Roth
Coats	Heinz	Rudman
Cochran	Helms	Shelby
Cohen	Hollings	Simpson
Conrad	Humphrey	Specter
D'Amato	Kassebaum	Stevens
Danforth	Kasten	Symms
DeConcini	Kerrey	Thurmond
Dixon	Kerry	Wallop
Dodd	Lieberman	Warner
Dole	Lott	Wilson
Domenici	Lugar	
Durenberger	Mack	

NOT VOTING—1

Matsunaga

So, the amendment (No. 290) was rejected.

Mr. GORE. Mr. President, I will ask unanimous consent to vitiate the yeas and nays on the underlying first-degree amendment insofar as the Senate has expressed its will on the substance of the amendment with this vote. I ask unanimous consent to vitiate the yeas and nays on the underlying amendment.

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

VOTE ON AMENDMENT NO. 289

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment (No. 289) was rejected.

VOTE ON AMENDMENT NO. 295

The PRESIDING OFFICER. Under the previous order, the vote now occurs on amendment No. 295 by the Senator from Florida [Mr. MACK].

The yeas and nays having previously been ordered, the clerk will call the roll.

The clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 124 Leg.]

YEAS—99

Adams	Fowler	McClure
Armstrong	Garn	McConnell
Baucus	Glenn	Metzenbaum
Bentsen	Gore	Mikulski
Biden	Gorton	Mitchell
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Boren	Grassley	Nickles
Boschwitz	Harkin	Nunn
Bradley	Hatch	Packwood
Breaux	Hatfield	Pell
Bryan	Heflin	Pressler
Bumpers	Heinz	Pryor
Burdick	Helms	Reid
Burns	Hollings	Riegle
Byrd	Humphrey	Robb
Chafee	Inouye	Rockefeller
Coats	Jeffords	Roth
Cochran	Johnston	Rudman
Cohen	Kassebaum	Sanford
Conrad	Kasten	Sarbanes
Cranston	Kennedy	Sasser
D'Amato	Kerrey	Shelby
Danforth	Kerry	Simon
Daschle	Kohl	Simpson
DeConcini	Lautenberg	Specter
Dixon	Leahy	Stevens
Dodd	Levin	Symms
Dole	Lieberman	Thurmond
Domenici	Lott	Wallop
Durenberger	Lugar	Warner
Exon	Mack	Wilson
Ford	McCain	Wirth

NOT VOTING—1

Matsunaga

So the amendment (No. 295) was agreed to.

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

Mr. BREAUX. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DECONCINI. Mr. President, I have a parliamentary inquiry. Is the pending business amendments 269, 270, and 272? Is that correct?

The PRESIDING OFFICER. The pending business is the second-degree amendment, No. 270, to amendment numbered 269.

Mr. DECONCINI. Mr. President, I ask unanimous consent that I may send to the desk an amendment and ask for its immediate consideration and that the two pending amendments be set aside so this amendment can be taken up.

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

AMENDMENT NO. 303

(Purpose: To express the sense of the Congress regarding efforts by Mexico to control illegal narcotics-related activities)

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

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI], for himself, Mr. HELMS, Mr. D'AMATO, Mr. DIXON, Mr. LOTT, Mr. MACK, Mr. COATS, and Mr. WILSON proposes an amendment numbered 303.

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

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

The amendment is as follows:

At the end of the bill, add the following:

SEC. 915. POLICY TOWARD THE CONTROL OF ILLEGAL DRUGS IN MEXICO.

(a) FINDINGS.—The Congress finds that—

(1) the Foreign Assistance Act of 1961 requires, except in cases of vital national interest, that all countries determined to be a major illicit drug producing country or a major drug-transit country must be "cooperating fully" with United States anti-narcotics activities in order to continue receiving various forms of United States foreign assistance;

(2) relations between the United States and Mexico have suffered since none of the suspects in the 1985 kidnaping and murder of Drug Enforcement Administration agent Enrique Camarena and the 1986 torture of DEA agent Victor Cortez have been brought to justice;

(3) testimony before the Senate dating to 1986 has indicated that high-ranking Mexican government, military, and law enforcement officials have been involved in illegal narcotics operations, including narcotics trafficking operations into the United States;

(4) Mexico has been determined to be the primary producer of marijuana and heroin entering the United States and the transit point for up to 50 percent of the cocaine being smuggled into this country;

(5) there have been three drug-related mass murders involving more than 30 victims along the southwest border in recent months involving Mexican drug trafficking organizations;

(6) the United States continues to seek, with Mexican cooperation, hot pursuit and over-flight authority for United States law enforcement agencies, access to bank records, verification of eradication figures, information on those who have been tried, charged, sentenced, and served time for narcotics-related crimes, and extradition of criminal figures;

(7) there was sworn in a new president and government of Mexico on December 1, 1988, creating a new era of opportunity for increased cooperation and mutual friendship;

(8) the new President of Mexico, Carlos Salinas de Gortari, has indicated a strong willingness to expand and improve Mexico's anti-narcotics acitivities;

(9) the Chief of the Mexico City Police Investigative Service, Miguel Nazar Haro, who is under indictment in the United States, has been fired;

(10) the Government of Mexico has arrested Miguel Angel Felix-Gallardo, one of the most notorious drug trafficking figures in Mexico.

(11) Mexican officials have for the first time conceded that corrupt Mexican officials, including law enforcement, government, and military officials, have previously protected Mr. Gallardo; and

(12) criminal charges of electoral fraud against the mayor of Hermosillo, Carlos Robles, and homicide and arms charges against the head of Mexico's Oil Workers Union, Joaquin Hernandez Galicia, have been filed.

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

(1) President Salinas should be supported in his expressed willingness to end the narcotics-related corruption that has permeated the Government of Mexico in the past;

(2) Mexico should conclude the prosecution of the murderers of Drug Enforcement Administration agent Camarena, the perpetrators of torture against DEA agent Cortez, and make progress in the prosecution of Felix-Gallardo;

(3) Mexico should demonstrate its commitment to cooperating fully in anti-narcotics activities by entering into negotiations with the United States on—

(A) joint over-flight and hot pursuit operations, involving Mexican law enforcement officials traveling on United States interdiction aircraft with Mexican officers having responsibility for actual arrests of suspects;

(B) participation of United States law enforcement agencies in air surveillance flights for interdiction efforts and joint United States-Mexico border enforcement and interdiction operations;

(C) United States requests for access to bank records in carrying out narcotics-related investigations; and

(D) United States requests for verification of eradication statistics, including ground verification.

Mr. DECONCINI. Mr. President, I offer this amendment in behalf of Senator HELMS, Senator D'AMATO, Senator DIXON, Senator LOTT, Senator MACK, Senator COATS, and Senator WILSON.

Mr. President, this is a sense-of-the-Senate amendment. It is nonbinding. The purpose of this amendment is to literally praise Mexico and the present regime there for some of the actions it has taken. I hope my colleagues would take a moment and read this amendment while we have some debate on it because it also asks and suggests to the Mexican people and their government, and particularly President Salinas, that they enter into expansion and further cooperation with the United States.

I think we need to realize, Mr. President, that some improvements have occurred in Mexico, but we also need to realize we still have a very, very difficult problem there.

Mr. President, I see the Senator from North Carolina is here. I yield the floor to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 304 TO AMENDMENT NO. 303

(Purpose: To express the sense of the Congress regarding efforts by Mexico to control illegal narcotics-related activities)

Mr. HELMS. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 304 to amendment 303.

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:

Strike all after "SEC." and insert

915. POLICY TOWARD THE CONTROL OF ILLEGAL DRUGS IN MEXICO.

(a) FINDINGS.—The Congress find that—

(1) the Foreign Assistance Act of 1961 requires, except in cases of vital national interest, that all countries determined to be a major illicit drug producing country or a major drug-transit country must be "cooperating fully" with United States anti-narcotics activities in order to continue receiving various forms of United States foreign assistance:

(2) relations between the United States and Mexico have suffered since none of the suspects in the 1985 kidnaping and murder of Drug Enforcement Administration agent Enrique Camarena and the 1986 torture of DEA agent Victor Cortez have been brought to justice;

(3) testimony before the Senate dating to 1986 has indicated that high-ranking Mexican government, military, and law enforcement officials have been involved in illegal narcotics operations, including narcotics trafficking operations into the United States;

(4) Mexico has been determined to be the primary producer of marijuana and heroin entering the United States and the transit point for up to 50 percent of the cocaine being smuggled into this country;

(5) there have been three drug-related mass murders involving more than 30 victims along the southwest border in recent months involving Mexican drug trafficking organizations;

(6) the United States continues to seek, with Mexican cooperation, hot pursuit and over-flight authority for United States law enforcement agencies, access to bank records, verification of eradication figures, information on those who have been tried, charged, sentenced, and served time for narcotics-related crimes, and extradition of criminal figures:

(7) there was sworn in a new president and government of Mexico on December 1, 1988, creating a new era of opportunity for increased cooperation and mutual friendship;

(8) the new President of Mexico, Carlos Salinas de Gortari, has indicated a strong willingness to expand and improve Mexico's anti-narcotics activities;

(9) the Chief of the Mexico City Police Investigative Service, Miguel Nazar Haro, who is under indictment in the United States, has been fired;

(10) the Government of Mexico has arrested Miguel Angel Felix-Gallardo, one of the most notorious drug trafficking figures in Mexico;

(11) Mexican officials have for the first time conceded that corrupt Mexican officials, including law enforcement, government, and military officials, have previously protected Mr. Gallardo; and

(12) criminal charges of electoral fraud against the mayor of Hermosillo, Carlos Robles, and homicide and arms charges against the head of Mexico's Oil Workers Union, Joaquin Hernandez Galicia, have been filed.

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

(1) President Salinas should be supported in his expressed willingness to end the narcotics-related corruption that has permeated the Government of Mexico in the past;

(2) Mexico should conclude the prosecution of the murder of Drug Enforcement Administration agent Camarena, the perpetrators of torture against DEA agent Cortez, and make progress in the prosecution of Felix-Gallardo;

(3) Mexico should demonstrate its commitment to cooperating fully in anti-narcotics activities by entering into negotiations with the United States on—

(A) joint over-flight and hot pursuit operations, involving Mexican law enforcement officials traveling on United States interdiction aircraft with Mexican officers having responsibility for actual arrests of suspects;

(B) participation of United States law enforcement agencies in air surveillance flights for interdiction efforts and joint United States-Mexico border enforcement and interdiction operations;

(C) United States requests for access to bank records to assist in carrying out narcotics-related investigations; and

(D) United States requests for verification of eradication statistics, including ground verfication; and

(4) the people of Mexico should be supported in their efforts to rid their country of illicit narcotics, bribery and corruption, and electoral fraud.

Mr. DECONCINI. Mr. President, I thank the Senator from North Carolina.

Mr. President, the State Department authorization bill is a important piece of legislation that gives us, as we know, the authority for the State Department to enter into literally hundreds of different programs and our relations with our foreign allies and other nations. It has restrictions in it. It has some sense-of-the-Senate's in it. The sense of the Congress regarding Mexico, which is just being offered here, is merely that. It addresses, however, the narcotics problem and the political corruption. The amendment also expresses the need for increased cooperation with the United States in the ongoing war on drugs.

Mr. President, the length of our border between Mexico and the United States has fostered an intimate and meaningful economic, social, cultural, and religious relationship between our two countries. And rightfully so.

I happen to come from a State that borders the great nation of Mexico, and it is a rich State because of those relationships. Mexico is our third largest trading partner. In the United States, Mexico is the largest foreign market.

In 1988, United States-Mexico trade totaled $44 billion, a 25-percent increase over 1987.

I have been a strong supporter of the United States Congress for the Maquiladoras program, which is a very important program that permits American companies to do assembly work in Mexico and have those products, after they are assembled, brought back into the United States without any tariff. Over 200,000 Mexican workers are employed now in that particular industry. I have also worked hard to ensure that United States immigration policy toward Mexico is fair.

In the 100th Congress, I was one of only four Senators who voted against the Kennedy-Simpson legal immigration bill, and I did so because of what I considered were some very detrimental parts of that bill as it relates to Mexico. I would note that the Mexican Government expressed their concern to the State Department on a number of occasions regarding that bill.

In that bill we put a ceiling on family reunification visas and we would have reduced the visas for the second and fifth preference.

Just last week Senator HATCH and myself were successful in adding an amendment to the Kennedy-Simpson bill that would guarantee at least 216,000 family preference visas. The 216,000 figure is based on the number granted in 1988.

The General Accounting Office, however, had estimated that the bill as presented to the Senate would have resulted in decreasing family preference visas over the next 10 years resulting in a complete elimination of those family visas in the category by 1999.

Who was most affected from our allies and neighbors? It would have affected certain countries in Asia and certain countries south of our border. In particular, Mexico. I am pleased that the Senate saw fit to pass legal immigration reform that protects the preference system so important to Mexico.

As a result of these changes, I decided to vote for that bill. I would have not done so if that had not occurred.

I am sensitive to the needs and desires of the Mexican people. I visit there often. I have many relationships there.

I have talked to the Mexican people and they want to see the end of corruption; they want to see the end of the drug trafficking through that Nation. I am equally sensitive to the desire of the American public to reduce the amount of drugs flowing into the United States through Mexico. The 2,000-mile border with Mexico is now the No. 1 point of entry of narcotics coming into the United States. I want to emphasize that. It is the No. 1 point—this is not the Senator from Arizona stating that is the No. 1 point, this is from our own Government which says the Southwest border is the largest single geographic area that drugs come into the United States. Mexico is the primary producer of heroin and marijuana which flows into the United States and is a transshipment point for up to 50 percent of the cocaine into this country.

As law enforcement agencies have strengthened their effort in Florida, in The Bahamas and the Southeast area

of our country, the Colombian cartels have found anxious and new partners in Mexico. At a recent drug hearing that I chaired in Arizona, the FBI and DEA reported that California, Arizona, and Texas are three of the top five distribution and trafficking centers of illegal drugs in the United States. Imagine, these three States—California, Arizona, and Texas—are three of the top five distribution centers for illegal drugs in the United States.

The U.S. Border Patrol has seized more cocaine and marijuana in the first 9 months of this fiscal year than they did in all of 1987 and 1988 combined. The border patrols seized a total of 17,900 pounds of cocaine in the past 2 years while just so far in this fiscal year, they have already seized over 18,000 pounds. The Customs Service reports that cocaine seizures along the Southwest border have increased by 425 percent just in the past 3 years. So law enforcement is having some success, I must say, but, indeed, it demonstrates we have a sieve or maybe an open door.

Federal prosecutors are literally being overwhelmed in the Southwest. In Arizona, DEA arrests of class 1 and class 2 violators, the major traffickers, have increased by 85 percent between 1987 and 1988 alone.

I recently sent a letter to the Director of the National Drug Policy, Secretary William Bennett, recommending that he designate the Southwest border as this country's first high intensity drug area. This designation is provided in the omnibus drug bill that we passed last year creating the National Drug Policy Office with which Mr. Bennett serves. This designation would allow Secretary Bennett to direct temporary reassignments of Federal personnel to the area and provide increased Federal assistance.

The letter was signed by all eight Southwest border Senators demonstrating a strong bipartisan support for the severity of the problem of drugs coming in through the Southwest through Mexico. However, for the United States to be effective and to wage an effective battle against the drug epidemic, it will require more than just increased Federal, State, and local assistance.

The cooperation of the Government of Mexico is absolutely critical. In the past 6 months, actions taken by the new administration of President Salinas provides a glimmer of hope and should be and are applauded by this Senator. We have seen some dramatic steps taken by this new regime.

United States law enforcement officials were stunned when Mexico announced the arrest of the godfather of Mexico drug kingpins, Miguel Felix-Gallardo. His arrest came just 6 months after a successful DEA orchestrated investigation of Felix-Gallardo had been destroyed by corrupt Mexican officials.

United States officials were further shocked when Mexico conceded that corrupt Mexican enforcement officials, members of the Mexican Government and military officials had previously protected Felix-Gallardo.

President Salinas addressed one of his early blunders in office when he fired his appointment for the chief of Mexico City Police Investigations Service, Mr. Miguel Nazar Haro. Mr. Haro is under indictment in the United States for operating a major car theft ring and is also tied to several narcotic organizations. This is a Federal indictment against the man the Salinas government put into a very sensitive position as the chief of the Mexico City Police Investigations Services. That has changed. President Salinas took a personal step to see that that occurred. I think the United States and Mexico have a very good relationship in bringing to the attention of the Mexicans the importance that Mr. Haro was not only an embarrassment but he was a wanted fugitive for a felony offense in the United States.

Most recently, Government investigators arrested the former Director of the Federal Security Directorate, known as the DFS, charging him with the 1984 murder and coverup of Mexico's best known columnist. Police also have arrested three former associates of Nazar Haro in connection with the murder of the columnist who was ready to expose links between Federal law enforcement officials and top drug traffickers in Mexico.

I have also been impressed with recent action taken by President Salinas to open Mexico's one-party system to greater democratic freedoms. Recently Mexico's PRI, known as the PRI Party, conceded its first major election defeat in 60 years. Those of us who follow the Mexican political system know there have been countless problems and improprieties and outright fraud and stealing of elections in Mexico.

So for the PRI to concede and to come to the conclusion that the people of Mexico should have a right to select their governors and their other elected officials is certainly encouraging, even though this is the first major defeat of a PRI candidate in the 60 years they have been there.

The candidate for the National Action Party, known as PAN, was declared the winner of the governor's race in the Baja California Norte.

(Ms. MIKULSKI assumed the chair.)

Mr. DECONCINI. Madam President, the Salinas government has also filed charges of electoral fraud against the mayor of Hermosillo, Sonoro, the border State of Arizona.

Despite these positive steps, Madam President, there are long-standing, unresolved drug and corruption issues that Mexico really has to address.

At a recent Senate appropriations hearing I chaired in Tucson, AZ, Federal, State, and local law enforcement officials testified that the flow of drugs coming out of Mexico is out of control and corruption is a one-way street and cooperation—there is none. Corruption is so great in the law enforcement in Mexico that little can be accomplished.

Sheriff Clarence Dupnik of Pima County, who represents one of the four Arizona counties that border Mexico, testified that local corruption was just overwhelming. Dupnik said, "Border drug enforcement efforts have turned into a one-sided operation because the Mexican Government has literally shut the door in our faces." That is a direct quote from the sheriff of Pima County.

The head of Operation Alliance, who is responsible for coordinating Federal, State, and local drug enforcement operations along the border, testified at those same hearings: "While Mexico is making positive internal changes on drug enforcement, there has been no bilateral changes whatsoever." He said there has been no change in Mexico's attitude toward cooperation between law enforcement agencies working on both sides of the border.

It has been 4 years since the DEA agent Enrique Camarena, an American citizen working in the Drug Enforcement Agency in Mexico, was brutally tortured and murdered in that country.

Not one individual has been convicted in that case. The Mexican Government has always been uncooperative in this case, according to the DEA. That is our Government agency. Whatever headway has been made has been the result of information and intelligence supplied to the Mexican Government from the Drug Enforcement Administration of this Government of ours.

Mexico must conclude the prosecution of those responsible for the kidnaping and the murder of Mr. Camarena or extradite them if they do not want to face a political problem, and allow the United States to finish that job. The United States Customs Service has made repeated requests for overflights in what is known as hot pursuit, operations similar to those that are allowed in the Bahamas today to Customs and other law enforcement agencies.

Now, these overflights are an interesting prospect. The argument of sovereignty always comes up, but it is not a free flow of our airplanes penetrating Mexico at will. It would only be with Mexicans on board and with their

permission for apprehension purposes. Why do we need this? Because we have videotapes of planes coming in from Mexico, dumping drugs—sometimes not even dumping them, because they are detected—turning around and going back into Mexico, and our pursuit planes are prohibited from going there and they are lost forever from the standpoint of apprehension.

If the Mexican Government would permit overflights at their discretion with Mexican officials on board, then a decision can be made whether or not to pursue that particular clandestine plane.

The hot pursuit operation involves interdiction of aircraft and I think it is an issue that we should at least negotiate. That is all our sense-of-the-Senate resolution says—to negotiate these things. It does not demand of Mexico. It does not place a burden or penalty on Mexico if it does not negotiate, but it encourage them to do so, and it would be an expression by this body if we pass this resolution, that maybe Mexico would see fit to sit down and talk about it. They are not willing to do so now.

The Mexican military today will not allow the United States to verify its eradication figures or any other statistics as to elimination of drugs in that country. Last year, DEA had to pull out of Operation Vanguard because of continued threats against their agents in that country.

For those of you who are interested in the subject matter, the intelligence community will gather for you different exhibits demonstrating the fields and the geographic areas of drugs in Mexico. They will also tell you literally that they are not permitted to go in to verify what drugs the military actually destroyed. The only way they find out is to send people back in on their own, often on foot, days after the destruction is supposed to have taken place, and they have not found the eradication as has been represented by the military.

Operation Vanguard allowed the DEA agents to verify eradication efforts by the Government only by air surveillance. That had to be stopped because of threats against our agents by the organized crime and drug elements in Mexico. There was no way apparently that the Mexican Government or military were prepared to assist the United States to continue such verification.

If Mexico is confident of its eradication efforts, they should allow United States drug agents to conduct ground verification of Government and military eradication while they are doing it. We are not going to be there with weapons. We are sending people along only to observe. The DEA was forced recently to temporarily pull its agents and their families out of Guadalajara because of the continued threats to those particular agents and families. We are there as guests. They are the host country. They are to provide the security for our people, and yet they cannot do so. This has become a common practice for the DEA in Mexico because of the inability of the Government of Mexico to provide protection for the United States Drug Enforcement Agents.

The DEA agents are not allowed to carry firearms. Mexico should give them that authority, on a case-by-case basis, resolving and understanding the sovereignty issue there. If the Mexicans are interested in fighting drugs as they say they are and as President Salinas has done some things to indicate, why not allow DEA agents, who have trained many Mexican agents, to carry firearms? Mexico should also provide full-time security for United States drug agents' homes and their families.

The U.S. Customs Service request for access to bank records to assist in narcotics money laundering investigations has gone unanswered for more than 6½ years. Mexico should display good faith and provide this information to Customs.

This Congress should immediately approve the Mutual Legal Assistance Treaty that has already been signed by the Mexican Government, so we are at fault also for not approving this treaty that is before the Foreign Relations Committee. I suspect that the Foreign Relations Committee is well aware of this and it intends to address this in the very near future.

The Bureau of Alcohol, Tobacco, and Firearms continues to make major firearm violation cases along the Southwest border. BATF is finding an increasing trend of assault weapons, purchased in the United States, being smuggled into Mexico, often in exchange for narcotics. A direct link appears to exist between the expansion into Mexico of Colombian drug traffickers and the increase in smuggling of assault weapons such as AK-47's and AR-15's.

BATF has attempted to work out a joint operation with Mexico on firearm investigations. Mexican officials have never responded to the requests by our law enforcement agencies. Mexico should work with BATF to establish an identification program to enable BATF to track the seized weapons.

Finally, there is an extensive list of individuals appointed to high government and law enforcement positions by President Salinas that greatly concerns the DEA and other U.S. law enforcement agencies, and greatly concerns this Senator.

As President Salinas did with Mr. Nazar Haro, he should clean his government of these individuals. I realize this is a very sensitive problem for us to address, to tell any other government who is corrupt within their government but, believe me, they have no trouble telling us what to do when they feel we are wrong. I am sure that when we present this kind of information to the proper attention, it is justified for those government officials to give it serious consideration.

To President Salinas' credit, he finally took the evidence that DEA and the Justice Department gave him as to Mr. Nazar Haro and did dismiss him.

The next 8 months provides President Salinas time to demonstrate how far the commitment of his government extends. On February 28, 1990, President Bush is required by statute to determine whether Mexico should be granted certification. This sense-of-the-Congress amendment simply challenges Mexico to provide full cooperation with United States antidrug efforts as required under the certification process. It is not mandatory. This sense-of-the-Senate resolution that is before us does not punish Mexico if they fail to do anything about greater cooperation or if President Salinas elects not to do anything more about the list of people that has been sent to him. But it does express a view that we hope, we wish, we challenge, the Mexicans to work closer, and at the same time praising President Salinas for his efforts so far.

President Salinas must now demonstrate that the arrests of Felix Gallardo was not just a smokescreen, as Congress prepared for its certification debate this year. Mexico should vigorously prosecute Gallardo and see to it that his prison is not a country club as has been enjoyed by others who have been arrested but never disposed of in the judicial system in Mexico—specifically those arrested for the murder of Mr. Camarena. That is over 4 years ago, Madam President, and it is important that we not forget the principle involved with Mr. Camarena, a DEA agent, nor his family, nor other DEA agents in law enforcement who are in jeopardy on a day-to-day basis.

Treasury Secretary Brady said that Mexico is the first priority under the administration's debt reduction plan. This Senator is willing to support Secretary Brady's effort if Mexico is willing to display a similar good-faith effort in drug enforcement eradication and interdiction cooperation. American taxpayers deserve something in return. The situation on the Southwest border is critical. I believe that this amendment indicates to the Government of Mexico that the United States intends to intensify its antidrug efforts and is asking for help.

I hope my colleagues will vote in favor of the perfecting amendment and the underlying amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Thank you, Madam President.

I congratulate my friend from Arizona not only on the statement but on the amendment he is offering. I am pleased to join him in support of this amendment expressing the sense of the Senate that the Government of Mexico must take clear and unequivocal steps to increase its cooperation with the United States in halting the flow of drugs into our Nation.

His statement was I think a very comprehensive and specific and detailed statement.

What it amounts to simply stated is he is giving credit where it is due to a new President who seems sincere when he states that the winds of change have begun to blow through the Republic of Mexico, and those winds of change seem to promise a democracy that has not existed in the past. Indeed, my friend from Arizona and I incurred the wrath of our Mexican friends some years back when we had the temerity, the presumptuousness to introduce a resolution critical of the lack of democracy within Mexico pointing specifically at the election frauds that had been alleged widely by presumably dispassionate observers both domestic and foreign indicating that there had been in fact a theft of office won in elections.

Today, we have the pleasant responsibility, and I think it a duty, to observe that something has changed in Mexico. For the first time in the 60 years in which PRI, the not just dominant party, but a political culture in Mexico has been in office someone has won as a nonmember of PRI, the office of governor of a Mexican state, and been seated.

That may seem little enough to celebrate in this country, that the opposition having duly won an election is permitted to take the seat that was won, but it is in fact the first time within the 60 years of the history of PRI that has occurred in Mexico, and the next Governor of the State of Baja Norte will in fact be a member of the PAN party.

A week after the election the President, the new President of Mexico, Mr. Salinas, commented that his candidate had lost, that new winds of change were indeed blowing. What he was saying is no longer will PRI seek to strong-arm election results. They will honor the results that have been generated at the ballot box.

Madam President, that is something upon which the new President of Mexico is to be congratulated. We may take it as an accomplishment. The fact is it is not. I am grateful that change seems to be occurring because what it means simply stated is that without competition of the kind we take for granted on the floor of this body and throughout our entire political system, a political monopoly is an invitation to corruption, a corruption that takes many different forms—one that has led, I think, to the underdevelopment of the nation economically, and one that has led to a corruption literally of its law enforcement as the Senator from Arizona has recently detailed.

But to the point, Madam President, there seems to be a change that came about with the election of the new President, Mr. Salinas. As you have been told, it has been his efforts—that is, the efforts of his government—that resulted in the arrest of Miguel Angel Felix Gallardo, one of the most notorious drug trafficking figures in Mexico. He has indeed punished those who have been seen to violate the law even if they were among the most powerful of labor union officials. He has in fact certified the result in the election of the governor in the State of Baja Norte. He has brought criminal charges against the mayor of Hermosillo, Carolos Robles. It is a fact that he has done things which his predecessors have not done.

There is much left to be done. Senator DECONCINI's sense-of-the-Senate amendment simply calls forth as the tests of the seriousness of new Mexican cooperation in our antidrug efforts what the law presently provides as criteria. These can be found in the 1986 Omnibus Drug Act.

When he says that there should be negotiations on these points he is doing no more than suggesting that a good faith effort requires no less than the negotiation of our presently stated criteria in that 1986 act by which we are to measure whether or not a drug-producing nation is in full cooperation with the antidrug efforts of the United States.

Madam President, last year the Senate overwhelmingly adopted a resolution that I had introduced overturning the President's certification of Mexico as being in full cooperation with the United States Government in undertaking our joint narcotics interdiction programs. This year I chose not to introduce a similar resolution. If I had been moved to make that judgment purely on the basis of the performance of the final year of the de la Madrid administration, then another resolution urging decertification would have been in order.

But along with I suspect most of my colleagues, and clearly a heavy majority of those on the Foreign Relations Committee, I felt that the new Salinas government, the new President, needed and deserved an opportunity to make good upon efforts to demonstrate their good faith consistent with the rhetoric that we have heard indicating a sincere desire to win a war on drugs on both sides of the border. For that reason, I did not offer a resolution nor did anyone else. I think it was a wise decision.

But what we are saying in this resolution expressing the sense of the Senate is very simply that that action should not be misconstrued. We congratulate the new President on what seems to be genuine change, evidence of a different mentality.

Let us give credit where it is due. On the other hand, it would be no kindness considering the fact that what he has done is regarded by many as having required great courage, it will be no kindness to him or to those seeking reform, further reform, if we were to allow our forebearance in not seeking decertification of Mexico to be misconstrued as either abandoning the interest expressed in United States law or as being satisfied with the efforts that have been made to date. We cannot afford that misconception. We cannot be guilty of sending a wrong signal.

And I think that this sense-of-the-Senate amendment makes very clear that we are not satisfied, that we are commendatory of the efforts thus far, but that we expect much, much more. We expect what is prescribed in U.S. law.

Madam President, this morning the Center for International Studies at Georgetown released a booklet that spoke of the relationship between this Congress and the Republic of Mexico. And it was titled "Bordering On Change." It is an optimistic title, one that I think is warranted by recent developments. Let us hope that real change is occurring as it seems to be, and let us encourage that change by cooperation. Let us not be guilty of sending a false signal or of being somehow guilty of sending an ambiguous signal.

I think Senator DECONCINI's language is clear. I hope that it is clearly understood, and I commend him for his effort. I join him as a sponsor, and I urge my colleagues to support it.

The Senator from Connecticut.

Mr. DODD. Madam President, I rise in opposition to this particular amendment and to this resolution. I say that with all due respect to my distinguished colleague from Arizona and others who have joined with him in cosponsorship of this sense-of-the-Senate resolution. It sounds harmless enough on its face because it has the language in here that, depending on which paragraph you want to read, you can find something you may like about it.

One paragraph commends President Salinas, and the next paragraph attacks him. So it sends at the very least—before I get to the more substantive arguments about it, there is something in it for everybody, I suppose, in this resolution, to try to succeed in achieving and receiving its adoption. The bottom line is, it is a slap at the Government of Mexico

under President Salinas. That is the bottom line; that is how it will be read, and that is how it will be reported, and that is the intent, with all due respect to the authors of this amendment. We are not having a resolution offered here that eludes a list of nations that have not fully cooperated with the United States in trying to interdict an end to the supply of drugs coming into this country.

There is no mention of the Bahamas in this resolution. God knows, we have a Prime Minister there that, according to most officials in this country, ought to be indicted. It does not mention Thailand or Cambodia, or a whole host of nations that we know are involved in the supply and interdiction and they are on that list of 26 nations that, quite honestly, all of us know are not cooperating fully, fully.

The only nation mentioned is Mexico. Ironically, it is the only nation under this new administration that has done anything, that is, really cooperating with us. It is really fighting to end the supply of drugs coming into this country and to eradicate the corruption that occurs at various levels of government.

Madam President, I offer as my first exhibit a letter from the Secretary of State, James Baker, dated April 12, 1989, in which he goes on for two and a half pages reciting the various things that have happened in the first 5 months or 6 months of the Salinas government—real cooperation with our Nation in trying to eradicate this problem. In that letter he specifically asks the Senate Foreign Relations Committee not to deny the certification that he had given to Mexico. He is passionate in this letter about how we might undo the very cooperation we have been achieving, if in fact we are to adopt the language such as being offered in this sense-of-the-Senate resolution.

Madam President, I ask unanimous consent that the letter of the Secretary of State be printed in the RECORD.

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

THE SECRETARY OF STATE,
Washington, DC, April 12, 1989.

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

DEAR CLAIBORNE: On April 13, your Committee will vote on a resolution that seeks to deny the President's narcotics certification of Mexico. The Administration urges you to oppose Senate Joint Resolution 82. The Mexican Government is acting strongly against narcotics trafficking and corruption in Mexico. Moreover, we see improved prospects for enhanced bilateral law enforcement cooperation with the Salinas administration. Decertification of Mexico would only undermine those prospects.

As you know, on March 1, the President certified Mexico, adding a "Statement of Explanation" that said, in part, that "much was accomplished in 1988, but, working together, much more can be done. We must cooperate on reducing availability and on effecting greater seizures of contraband and assets as well as drugs." I wholeheartedly support the President's decision.

As I said in my letter conveying the President's certifications, I want a constructive dialogue with Congress on ways to improve our narcotics cooperation with other countries, including Mexico. Despite substantial efforts by authorities on both sides of the border, the drug problem remains a very serious one. This is not, however, due to lack of political will.

President Salinas explicitly recognizes the threat posed by traffickers to the well-being of Mexico's youthful population and to government authority. He also recognizes that the issue causes justifiable and serious concern in the U.S.

During his four months in office, President Salinas has repeatedly pledged to make the fight against narcotics trafficking a national priority. In a February 13 letter to President Bush, he again provided assurances that we will "fight with utmost energy" drug production and trafficking in and through Mexico.

Moreover, he has backed up his tough rhetoric against drugs and corruption with concrete actions. Immediately upon inauguration, President Salinas established a distinct anti-narcotics investigative unit in the Attorney General's office. In December, he sought and obtained Congressional approval of amendments to the Mexican Penal Code to provide for stiffer sentences for criminals, including drug traffickers and cultivators. In January, he ordered the re-arrest of a major marijuana trafficker, Gilberto Ontiveros, and the investigation of judges who had released this trafficker. Mexican police also arrested Raul Kelly Osuna, one of the principal marijuana drug traffickers in northern Mexico.

In early February, Mexican authorities arrested Federal Judicial Police commanders in Matamoros for alleged corruption. Mexican police also arrested major Italian drug trafficker Guiseppe Catania Ponsiglione, an alleged participant in the so-called "French Connection."

Most recently, on April 8, the Mexican Government arrested Miguel Angel Felix Gallardo, the most notorious drug trafficker in Mexico. As part of this action, the Mexican Federal Judicial Police and Army also arrested a number of municipal and state policemen in Culiacan, Sinaloa.

Salinas has also taken tough actions against other forms of corruption. Besides the already noted arrest of policemen and investigation of judges, Salinas in two recent bold actions, sent an unmistakable message against corruption, both narcotics-related and otherwise. In January, he ordered the arrest of the leadership of the politically powerful Oil Workers Union. While corruption in this union had been an embarrassment for decades, previous administrations had been reluctant to deal firmly with the problem because of the union's financial clout and influence over the vital petroleum industry. In February, President Salinas ordered the arrests of several, highly prominent and influential businessmen for stock fraud. Some of those arrested included staunch supporters of the ruling party.

On eradication, his administration has worked closely with our Embassy and a U.S. contractor to boost aircraft availability for the Attorney General's aerial drug eradication fleet. The Mexican Attorney General's office devotes 60 percent of its budget to fighting narcotics, while the Mexican Army deploys up to 25 percent of its troops to eradicating and interdicting drugs. These are significant allocations of resources by any country's standards, and especially when one considers that Mexico has suffered years of economic stagnation.

All these actions are encouraging steps toward fighting drugs and weeding out corruption. Much has been accomplished; admittedly, more must be done.

I remain thoroughly convinced that the best way to reduce the flow of drugs through and from Mexico into the United States is by improving our bilateral anti-narcotics cooperation.

During the recent visit by Mexican Foreign Secretary Solana, I emphasized that Mexico must make even greater efforts to suppress narcotics trafficking. Solana agreed and reiterated his President's commitment. I assure you that our new Ambassador to Mexico will be a firm advocate of this position.

In cooperation with all U.S. law enforcement entities, I want to develop an agreed upon agenda for a focused dialogue with Mexico on drugs. The Salinas Government has committed itself to even greater cooperation; this is a pledge we should take full advantage of. I believe Mexico's receptivity to such discussions would be greatly enhanced by Senate support of the President's decision to certify Mexico. Therefore, the Administration opposes Senate Joint Resolution 82.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

Sincerely yours,

JAMES A. BAKER III.

Mr. DODD. Second, I point out that the administration is flatly opposed—in fact, to use its own language, strongly opposed to the DeConcini resolution. Let me share with my colleagues some of their concerns.

First of all, the resolution is factually incorrect. It is one thing to disagree with a policy, but when the facts are just flat wrong, that ought to be enough, in a sense, to defeat the amendment. In paragraph 2 of the resolution it says:

> Relations between the United States and Mexico have suffered since none of the suspects in the 1985 kidnaping and murder of Drug Enforcement Administration—

Madam President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. DODD. The second paragraph of the resolution reads:

> Relations between the United States and Mexico have suffered since none of the suspects in the 1985 kidnaping and murder of Drug Enforcement Administration agent Enrique Camarena and the 1986 torture of DEA agent Victor Cortez have been brought to justice.

That is factually incorrect, as pointed out by the administration. That particular paragraph fails to identify the four policemen who are currently serving 5-year prison terms because of their mistreatment of DEA agent Cortez. They have been found guilty

and sentenced. Last year a number of suspects in the Camarena murder were sentenced in Mexican courts to lengthy prison terms on related charges. These defendants, plus others, have been in prison for the past 4 years and are currently standing trial for Mr. Camarena's murder, and three other persons involved in the Camarena murder were recently sentenced by a U.S. court. When the resolution says none of the suspects in the 1985 kidnaping and murder have been brought to justice, that is factually incorrect.

Mr. DECONCINI. Will the Senator yield?

Mr. DODD. I listened patiently, and I will finish, and then I will be glad to respond to questions. I would draw my colleague's attention to that particular cite.

Paragraph 3, testimony before the Senate during 1986 has indicated that high-ranking Mexican Government, military and law enforcement officials, have been involved in illegal narcotics operations, include operations and trafficking in the United States. Now, that is a sweeping statement. Who are we talking about here, local police officials? We have that problem in our own country, I might add. Talking about cabinet-level people? Are you talking about the President of the country? A sweeping indictment of the entire governmental structure of Mexico? When we know that President Salinas already has been most successful in bringing some of the major drug kingpins in that country to the bar of justice, and to suggest that this is somehow a resolution that compliments the Salinas Government? It was not even in power in 1986 at all.

We are talking about a new administration and its efforts, and it has political problems, Madam President. It has political problems for cooperating with the United States. It is not going to be a shock to anybody in this Chamber to know that it is not exactly popular in many countries to be perceived as cooperating with us. I regret that deeply, but the political facts of life are that if you cooperate with us and some of these countries around the world, you pay the price politically. President Salinas has been cooperating with us. Let me take a moment or two, if I can, and share with my colleagues exactly what that cooperation has been over the last 5 or 6 months.

On April 8 Mexican Federal police arrested and charged one of the most notorious drug traffickers in the world, Felix Gallardo, who by all accounts had a virtual army of bribed officials protecting him in Guadalajara. Nine corrupt officials associated with Gallardo were also arrested. Those arrested were orchestrated with great secrecy by the new Assistant Attorney General in charge of antinarcotics efforts, Xavier Arguello Trejo, a highly respected former prosecutor.

On April 5, 3 days earlier than that, Mexican authorities launched a major 45-day antidrug operation, arresting 33 drug traffickers and seizing more than a ton of marijuana and cocaine in the first 24 hours.

During the month of March, Mexican authorities seized nearly 16,000 pounds of marijuana, nearly 3,000 pounds of cocaine, and 10 pounds of heroin. I do not know the estimated value of those seizures, but I am confident it is in the hundreds of millions of dollars, if not billions.

In February, the United States and Mexico signed a bilateral agreement on cooperation in the war on drugs. In January, President Salinas created a new narcotics division in the Department of the Attorney General staff with 1,200 Federal employees to be devoted full time to narcotics-related matters. It was members of this newly created division who apprehended drug trafficker Felix Gallardo. Despite debt service payments of more than $10 billion annually and significant domestic displeasure over the declining standard of living of Mexican citizens, due to economic austerity measures mandated by the debt problem, President Salinas has increased Federal funding levels for 1989 antinarcotics programs.

Madam President, based on a review of those facts, I do not know why we do not have a resolution being offered by my good friend from Arizona and our friend from California commending President Salinas, which is in effect what we did only a few short months ago. Just prior to the interparliamentary meeting between this body and the other body of the Congress of the United States and the Mexican Parliament, Senator DICK LUGAR, of Indiana, and I drafted a letter in which we did commend the government of President Salinas for their actions over the past 4 or 5 months, recounting some of the details I have just shared here on the floor, Madam President.

That letter was signed by 68 of our colleagues and, Madam President, I ask unanimous consent that that letter, with the signatures of our colleagues, be printed in the RECORD at this point.

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

MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP, U.S. DELEGATION,

April 27, 1989.

His Excellency CARLOS SALINAS DE GORTARI,
President, United Mexican States.

DEAR MR. PRESIDENT: As you know, in the past the subject of international narcotics trafficking and the level of U.S./Mexican cooperation in dealing with this international menace had been a major irritant in our otherwise generally cordial bilateral relationship. In our view the friction over this matter has not served the interest of either the United States or Mexico, and has certainly not served to put an end to narcotics trafficking and other narcotics-related activities in either country.

Therefore, we welcomed your inaugural commitment to "an all-out war againt narcotics trafficking" and your proposed program for carrying out that pledge. Moreover, we have been impressed by the rapidity with which you and your government have sought to turn the inaugural pledge into reality. The following actions speak for themselves: the arrest of Felix Gallardo, a notorious international drug trafficker, by Mexican federal police on April 8; the apprehension of a significant number of other drug traffickers and the seizure of substantial quantities of illegal substances by federal authorities; the signing of a U.S./Mexico bilateral agreement on narcotics cooperation; and the general crackdown on narcotics-related corruption by certain officials. Such actions serve to underscore assurances given to President Bush of your intention to "fight with utmost energy" drug production and trafficking.

We commend you for your early efforts to stem the flood of illegal narcotics activities. While much remains to be done in this area, we are convinced that these efforts will foster a better working relationship as we strive to tackle the twin problems of illicit drug production and trafficking. In the coming years, please be assured of our firm commitment to endeavor to develop policies and programs of mutual benefit to the United States and Mexico.

Sincerely yours,

Christopher J. Dodd, Richard G. Lugar, Bill Bradley, Spark Matsunaga, Frank R. Lautenberg, Wyche Fowler, Jr., Kent Conrad, Paul Simon, John Glenn, Paul Sarbanes, Carl Levin, Jeff Bingaman, Joseph R. Biden, Jr., Timothy E. Wirth, Terry Sanford, Peter Domenici, Bill Cohen, Dale Bumpers, Bob Kerrey, David Pryor, Bob Graham, Richard Shelby, Harry Reid, James McClure,

Tom Daschle, Quentin N. Burdick, Donald Riegle, Howard Metzenbaum, James Exon, Don Nickles, Charles Grassley, Howell Heflin, Patrick Leahy, David Boren, Nancy Kassebaum, Orrin G. Hatch, Claiborne Pell, Brock Adams, Alan Dixon, James Jeffords, Thad Cochran, Connie Mack, John Chafee, Lloyd Bentsen, Alan Cranston, Mark O. Hatfield, Charles S. Robb,

John Warner, Strom Thurmond, Slade Gorton, William Roth, Alan Simpson, Rudy Boschwitz, John F. Kerry, Conrad Burns, Phil Gramm, John Danforth, Dan Coats, John Heinz, Ted Stevens, Edward Kennedy, Herb Kohl, Trent Lott, William Armstrong, Robert Kasten, Frank H. Murkowski, Jim Sasser, John McCain,

U.S. Senators.

Mr. DODD. Madam President, I cannot tell you what a positive response this letter evoked from President Salinas and from officials in his government. They have taken knocks politically because of the steps they have taken and for the first time in memory the U.S. Senate, albeit only a letter—I did not ask for a sense-of-the-Senate resolution—but just a letter

commending him for his actions was received by that government, and it has encouraged that government to go on and further be cooperative and supportive of the Bush administration in going after the curse of drugs.

Let us not forget during this debate that to the extent we have a problem in trafficking and production and also transiting drugs in Mexico and other places is because we consume it. We have an insatiable appetite in our own country for narcotics.

So here just a few months ago we go on record as a body supporting that government. Now 3 to 4 months later we are about to engage, and I hope reject, or pass a resolution, if the authors prevail, which does just the opposite of what our letter did in April. We commend him in April. We slap him across the face in July. And we pick on one country in the entire world for this problem.

Madam President, it is bad foreign policy generally, but it is specifically bad in this case at the very hour we need to maximize cooperation, we need to encourage a government in Mexico that has signed treaties with us, working cooperatively with the Drug Enforcement Agency, really making an impact. We are going to slap that government in the face, and that is what the DeConcini resolution does. That is the reason they have introduced it. No matter how they try to couch it with a couple of paragraphs saying what a nice job we think he might do, the bottom line of the resolution is a slap in the face, and that is how it will be taken in Mexico, in the most important audience.

Are they really going to be more cooperative? I would tell you the likelihood of that if this resolution is adopted is not. We will not get greater cooperation, and frankly I think some people would prefer to have that.

I hope that my colleagues will reject this amendment, with all due respect to the good intentions of my colleague from Arizona, who, by the way, I would not include as being a party to that last statement—he, to my mind, really does want to see improved cooperation, but, frankly, there are some who I do not think do.

Factually, this is not correct. We have had cooperation. We have a new government. We are going after official corruption. We are getting specific help. They are already arresting major officials, bringing to sentence in the bar of justice those involved.

As I said at the outset, Madam President, to single out just one country, the one country with whom we are getting some cooperation, is really to turn logic on its head.

So, Madam President, I would urge my colleagues to reject this amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, I also rise in opposition to this amendment. I do so recognizing that the sponsor of this amendment is a friend who has labored long and hard in our war on drugs. Senator DECONCINI has done as much or more than any other Member of this body in trying to prosecute those involved in drug trafficking, and his efforts to rid this Nation of the cancer that affects this Nation is deeply appreciated. I also am grateful of the work that he has done on the Appropriations Committee in securing much needed funding for programs, equipment, and manpower in order that we may address this Nation's drug problem.

I also understand the concern of my colleague form California whose State like mine has been overrun by drugs that transit through Mexico.

But the question we have to ask ourselves when addressing this amendment is: Will the passage of this amendment help or hurt relations between our two countries and will it help or hurt our joint efforts to combat drug trafficking and abuse?

Madam President, in my view the passage of this amendment will only create problems between Mexico and the United States and it will adversely impact the very sensitive and highly regarded relations that exist between our two countries.

Last year when the Senate approved a bill to decertify Mexico because of their "lack of cooperation" in the war against drugs thousands of Mexicans marched outside of our Embassy in Mexico City and outside of our consulate in Hermosillo. These marchers did not oppose the United States attempts to get tough on drugs and drug traffickers. What these deeply concerned people vehemently resented was the United States continued paternalistic attitude toward that nation and our dictation to them of what their national policy should be when clearly they have a clear understanding of what their needs are. As I have stated on many occasions Mexico should not be treated as if they were a vassal state of the United States. They are a proud people and sovereign nation. If we want to further our joint efforts against drug trafficking and abuse, we should refrain from the temptation of blaming other countries for our drug abuse problem.

All drugs do not arrive in the United States. A great deal of it stops in Mexico. Drugs are a cancer in Mexican society as badly as they are in America, and I believe the Mexican authorities are dedicated to eradicating this scourge. At the same time it must be acknowledged that the money associated with drugs has an enormous corrupting influence and it will corrupt poorer people more rapidly than it will wealthier people, and indeed we are seeing the first signs of corruption in some of our own Federal agencies. Recently in my own State of Arizona there were media reports that allege that several Border Patrol officers have been involved in a drug ring and drug ripoffs. The extent of the involvement is under investigation; but it only goes to show that everyone is suspectable to the corruption associated with drug trafficking.

The Drug Enforcement Agency is the lead Federal agency in our war on drugs and in our cooperation with Mexico. So it is not an accident to me that the DEA has stated their opposition to this amendment along with the Department of State. For the past 3 years, the Senate of the United States has engaged in what could be referred to as Mexico-bashing. And despite arguments to the contrary, this amendment is just another counterproductive veiled attempt to engage in this practice. I think that by engaging in another round of Mexico-bashing we are making a very serious mistake.

Let me emphasize, again, that I believe Senator DECONCINI is a highly respected authority on the issue of drugs and the reception that his amendment will receive in this body, and in this country, is bound to be very positive. After all, we are urging greater cooperation on the part of the Mexican Government. However, what we have to be concerned about is the reception and the impact that this amendment will have on our relations with our neighbor to the south.

Let me also elaborate a bit on my opposition as well as that of the State Department and Drug Enforcement Administration.

Paragraph 915(A)2 of the resolution states:

> None of the suspects in the 1985 kidnapping and murder of DEA Agent Enrique Camarena and the 1986 torture of DEA Agent Victor Cortez have been brought to justice.

According to the State Department, and as my colleague from Connecticut has stated that statement is false.

According to DEA files, four Jalisco state police officials are currently serving 5-year prison terms because of their mistreatment of agent Cortez.

In addition, Mexican courts have convicted Rafael Caro-Quintero—the drug kingpin charged with the torture-murder of special agent Enrique Camarena—along with 22 associates, in cases involving marijuana production and trafficking operations in Mexico. Caro-Quintero was sentenced to 34 years in prison without possibility of parole, and Mexican authorities seized more than 20 of his properties worth more than $4 million. Each of Caro-Quintero's associates, including Fonseca-Carrillo, received sentences of more than 10 years as well. Additionally, these defendents are currently standing trial for Mr. Camarena's murder. Moreover, three other persons

involved in the Camarena murder were recently sentenced by a U.S. court.

Madam President, I do not know if the exact details of that statement is correct but that is the information that I am given by the U.S. State Department which I think is probably accurate.

Also ambiguous is the third paragraph in section 915 when it makes reference to a 1986 Senate hearing in which allegations were made that high-ranking Mexican Government officials have been involved in illegal narcotics operations.

That was in 1986. I might add that that was during another administration and, frankly, the fact that there are allegations of people who are corrupted I think is probably true. I do, however, think it is unfair that because of the lack of specificity of this section all are placed under a clock of suspicion. This is wrong and we should not accuse everyone for the inappropriate action of a few.

Madam President, I too would like to have a situation evolve in which the taking of testimony or statements of witnesses is agreed to between the United States and Mexico; the provision of documents, records, and evidences agreed to between the United States and Mexico; the execution of requests for searches and seizures; the serving of documents and the provision of assistance and procedures regarding the immobilizing, securing, and forfeiture of the proceeds, fruits and instrumentalities of crime. But, if we would like to see that, Madam President, then I strongly suggest that this body ratify the 1987 treaty on cooperation between the United States of America and the United Mexican States for mutual legal assistance signed in Mexico City on December 9, 1987.

Madam President, that treaty was ratified by the Mexican Congress on December 29, 1987. Why has it not gone into effect? Because, for reasons perhaps which the distinguished chairman of the Foreign Relations Committee can elaborate on, it has failed to reach the floor of this Senate.

Madam President, rather than propounding amendments of this nature, why do we not get this treaty ratified in order that we may directly and dramatically increase the degree of cooperation between our two nations?

I would like to again state, as my colleague from Connecticut did, when one country is singled out, they will believe that they have become a target. I ask, where are the resolutions on Colombia, on Bolivia, on Guatemala, on El Salvador? Do not all of those countries need to cooperate more in our efforts on the war on drugs? What about the rest of the Latin American nations that are also afflicted by this scourge? But no, we have chosen Mexico.

I do appreciate the aspect of this resolution which praises the efforts of the new Government of Mexico. But, at the same time, as I have stated, we must be careful about the effect an amendment such as this has on Mexico.

Ambassador Charles Pilliod spoke admirably and knowledgeably of Mexico's recent efforts against illegal narcotics when he said:

> Mexican antinarcotics officials have made clear their desire to meet with their U.S. counterparts and the U.S. Congress to develop a comprehensive, coordinated strategy to combat drug trafficking. The Mexican Government knows that the American public is watching with the utmost attention and expectancy for continued and improved signs of its dedication and commitment to real success in the drug war. More importantly, Mexico is acutely aware that if left unchecked drugs will have adverse consequences for Mexico, including the continued growth of corruption, addiction and the type of social anarchy found in Colombia.

Madam President, I make no apologies for corruption that exists in Mexico. I make no apologies for corruption that exists in the United States. I think it is a disgraceful and horrible situation. We have a problem in fact, a very serious problem. The question, however, that needs to be resolved is how can we jointly—Mexico and the United States—fight our war on drugs.

I applaud the request or the mandate for better cooperation across borders between the United States and Mexico. I applaud the praise which is extended to the Salinas government. But, I do not applaud nor appreciate the undertone of mistrust that has been leveled against Mexico.

Madam President, we must encourage a spirit of cooperation that is based on mutual respect for each other. We must continue to demonstrate support and balanced judgment. And I hope that my colleagues will see this amendment for what it is: a well-intended but misguided venture that will create more harm than good.

Mr. LOTT. Madam President, I rise in support of this amendment, which simply expresses the sense of Congress regarding efforts by Mexico to control illegal narcotics-related activities. I wish to commend the distinguished Senator from Arizona for bringing this measure to the Senate at this particular time.

Madam President, here we go again. In America, in Washington, in the Senate, we pound our chests and talk about how we are going to do something about drugs and the drug problems in this country. We get mad. We have a drug czar. And then, what do we do about it? We have so many committees here in Congress, the drug czar does not even know who to report to.

We need to know who is in charge. We wanted to know who was in charge in the administration, so now we have a drug czar. We want to know now who is in charge in the Congress.

But also, every time when we say we are going to get tough, whether it is on supply or demand, we begin to back away. I think there is progress being made in Mexico. I join others, as this language in this resolution does, commending President Salinas. He is making progress. He is moving in the right direction.

But the facts are that Mexico is one of the worst offenders in the world of drugs coming into this country and corrupt officials that are contributing to that. If they have made progress this year over last year, why did the Congress and the administration certify Mexico last year?

You know, we talk tough about these other countries. As far as what the Senator from Arizona, Senator McCAIN, had to say about Bolivia or The Bahamas, I say, "Let's take strong action in every instance."

I wonder about the State Department. They certify that these countries are not allowing these drugs to be dumped into the United States. That is ridiculous. I say give credit where credit is due, but I also say let us be honest. Let us admit the facts. And the facts are that Mexico is a major problem.

Let me read some statistics. The simple facts are that Mexico is the No. 1—I repeat, the No. 1—source for heroin coming into the United States. Mexico is the No. 2 source for marijuana coming into the United States. Mexico is the main transit country for cocaine coming into the United States.

Madam President, the United States law requires that for a country to be certified there must be full cooperation in three major areas: crop eradication, money laundering, and drug interdiction. With respect to crop eradication, the fact is that the Mexican Government refuses to let us verify their statistics. With respect to money laundering, the Mexican Government has repeatedly denied requests by the United States Customs Service to be able to turn over bank records for inspection and analysis. With respect to drug interdiction, the Mexican Government has denied us hot pursuit and overflight rights.

The Mexican Government has even denied joint crewing of air surveillance flights, such as we had back in the 1970's.

The State Department, our State Department, in a classic example of saying one thing and doing another, stated in its annual narcotics report published in March:

> Political and economic instability in drug-producing areas around the world have re-

sulted in the subordination of our drug control agenda to other pressing concerns.

I suggest that it is the State Department itself that has subordinated our Nation's war against drugs to other pressing affairs, such as fear of wounding the sensibilities of major drug-producing countries that allow these drugs to come into our country without real efforts to stop it.

The State Department would have us believe that Mexico has met the standard of full cooperation in our antinarcotics legislation. They have not. They have not met the standard of full cooperation.

Unlike what was said by the Senator from Connecticut, this is not and is not intended to be a slap in the face of the President of Mexico, President Salinas. It is a recognition of reality.

Mr. DODD. Will my colleague from Mississippi yield?

Mr. LOTT. I will be glad to yield.

Mr. DODD. Will my colleague tell me which of the 26 countries on the list for certification have fully cooperated with us? Which one of those 26 countries? Can my colleague name one?

Mr. LOTT. Maybe none of them.

Mr. DODD. Can he name one? Name one? Will my colleague name one for me?

Mr. LOTT. But that does not mean there is any justification for us saying there has been full cooperation.

Mr. DODD. Will my colleague just name one for me, 1 nation out of the 26 that has fully cooperated with us?

Mr. LOTT. I think maybe the Senator makes my point. Why are we so pusillanimous in this area?

Mr. DODD. So we are picking on one nation?

Mr. LOTT. Let me reclaim my time and respond. Why do we continue to provide assistance to these countries? Why do we continue to certify they are doing fine when, in fact, they are not doing enough? When the people——

Mr. DODD. Will the Senator yield?

Mr. LOTT. I will be glad to yield.

Mr. DODD. Does my colleague realize we do not provide a nickel of assistance to Mexico?

Mr. LOTT. A number of them, we do.

Mr. DODD. That is not the subject of this resolution. Mexico is the only subject of this resolution.

Mr. LOTT. We provide assistance through other areas, multilateral organizations.

Mr. DODD. Will my colleague generally agree with me the other 25 countries are as deserving of this resolution as Mexico is, in his mind?

Mr. LOTT. Yes. There are a number of them that are deserving of that.

Mr. DODD. I thank my colleague.

Mr. LOTT. And I think we should take very aggressive action in each of those countries and we are not doing it. Our State Department is not doing enough and that is why the Senate needs an opportunity to have its voice heard and to have an opportunity to vote on these decertifications.

I know our problem is also on the demand side. We all know that. And we have to do more about that. But that is not what we are talking about right now. We are talking about the problems on the supply side.

So, I think, Madam President, that we are serious about trying to get a control on the drugs flowing into this country, that we have to take stronger actions against this whole list of countries. In each instance that I have seen, I think with two exceptions over the past 6 years, we have backed away from decertification and we have certified, one way or the other, that they have complied and they are cooperating. A little cooperation is great. I am glad to see some progress being made by President Salinas.

But the fact is Mexico is still one of the most offending countries in this area. We should acknowledge that.

If we continue to back away, they are going to continue to allow too much of this to go on.

I think the Senator from Arizona is offering the right resolution. I would prefer, frankly, that we be voting today on Senate Joint Resolution 82, to decertify Mexico, but this expresses the sense of the Congress without going to the extent that we would have done in the Senate Joint Resolution 82.

I commend the Senator from Arizona for what he has done. I support it and the question is very simply: Are we serious about this, or are we not, in the United States? The American people do not think we are doing everything we should do and this is one step in the right direction.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Madam President, does the distinguished chairman care to make his remarks?

Mr. PELL. I will follow my colleague.

Mr. DECONCINI. Madam President, I want to address a couple of things. One, I thank the Senator from Mississippi for pointing out what is full cooperation and what is not. We have a process now that has been struck in this bill, I must say, that the law today says the President must certify and the President certified that Mexico was fully cooperating. There is no question in anybody's mind here that Mexico is not fully cooperating but Mexico is making some changes and has done some positive things. What this resolution does, it says Hooray for you and thank you for doing that. But it also says we want you to do more.

It is nonpunitive. It does not ask for any sanctions against Mexico. If we decertify Mexico, as we did 2 years ago, and had the House decertified them and the President had signed it, we would not see Mexican airlines coming into the United States. And there is a lot of money that the United States helps Mexico with and I am proud that we do it.

What happened in 1982 when the peso was devalued? Who put up $1 billion immediately? The U.S. Treasury. And advanced that money so Mexico could make their payments. And I am glad we did it.

If that is not foreign aid I do not know what it is, and I do not want to call it foreign aid; it was mutual assistance, friendship, and it was something that should be done.

My colleague from Connecticut wants to talk about cooperation. My gosh, we really have cooperation from the Salinas government. We have some action in Mexico that has been demonstrative, by President Salinas. But is that cooperation?

I would like to ask the Senator from Connecticut when this is all over, and the weather cools off in Arizona, that he come down to the Southwest border next time I hold hearings in Arizona or someplace there and listen to the law enforcement people testify about what is going on along that border. Let me just read to my colleagues from hearings that we just recently had, on June 28, in Tucson, AZ. The Pima County sheriff testified there. Pima County borders Mexico.

We were talking about what kind of cooperation they have gotten from the local law enforcement and the Federal law enforcement in Mexico in the last several months. Let me read to you.

For example, a few months ago a situation just to illustrate the problem developed where a local federal agency tracked an airplane all the way from Columbia to a ranch about three miles south of the border, in an area up by the Sells Indian reservation; watched the planeload of cocaine being unloaded into a couple of pickup trucks; contacted the federal comandante in San Luis. Got his cooperation in arranging for a strike force with a couple of helicopters and some of our people and some of their own people to go provide support for the Mexicans in making the seizure and making the arrest. We were all set to do that when the Mexican comandante said, "I'm sorry, Mexico City has told me that we have to end this," while we watched two truck loads of cocaine three miles south of the border being unloaded. That's a common occurrence unfortunately. And without the cooperation of Mexico in that kind of a situation it makes it not only very difficult but it makes it frustrating for those of us that are trying to do something about the problem.

My friend from Connecticut points out that in paragraph 2 the resolution talks about suspects in the 1985 kidnapping and murder of Drug Enforcement Administration Agent Camarena. That is very true, that my good friend from Arizona, my junior colleague, points out that Caro-Quintero and Ernest Fonseca have been prosecuted

and they did receive some heavy terms, one 10 years and one 30 years. But not for the murder of Agent Camarena. For drug involvement, for violating Mexican drug laws. Not for the murder.

This murder happened 4½ years ago in Mexico. What did they do? Let me recount a little bit of that.

They picked up this agent in Guadalajara, took him out to a ranch, tortured him for several days and then they killed him 4½ years ago. And those people have not come to justice for the murder.

Do not tell me that that is justice, to have a couple of convictions on some drug charges and then have them put in a "prison" that has telephones, that has wall paneling, that the DEA, our own agents, found two tunnels almost to those cells to help them escape.

I do not know who was digging the tunnels but I suspect that there was a powerful amount of influence from inside that prison to get those men out before they might be tried for murder.

So, this resolution is correct and, indeed, something should be done about it.

Jack Lawn, who is the Director of the DEA, sat in Senator WILSON's office and the Senator from North Carolina was there, the Senator from California and myself, and we talked about decertification about 4 months ago when the issue was up here. My recollection is that Mr. Lawn said: I hope you do not move to decertification. But we need more cooperation from Mexico and you can do anything else but do not move the decertification. And he had a good reason. Now we know why. Because they were about ready to make a major arrest of Mr. Gallardo and did.

We did not move the decertification because our Government said it was not timely to do it; because we did not want to do what the Senator from Connecticut says we may be doing here, slapping somebody in the face. We are not slapping anybody.

In fact, we are praising the President of Mexico for some of the things he has done. And we are telling the Mexican Government we want them to do some more to help us.

I will get down on my knees if it will help to get Mexico to stop 50 percent of the cocaine coming into the United States through Mexico. The largest producer of marijuana and heroin coming into the United States is Mexico.

What are we asking that Government to do? We are not saying if you do not do it we are going to impose sanctions. We are not saying if you do not do it we are not going to be your friend. We are not saying we are slapping you in the face or any such thing. We are saying you should do more. You should work with us so that we can stop this scourge, not only in the United States but in your own country.

Is this asking too much? It is asking too much for this Senate to go on record on a nonbinding, sense-of-the-Senate resolution praising the Government of Mexico for some of the improvements that they have made and asking them and urging them to do more in the war on drugs and to stop the drugs coming through that country into the United States?

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

Mr. HELMS. I thank the Chair.

Mr. President, back in March, I think it was March 16, I introduced a resolution of disapproval of the President's certification of Mexico. It was cosponsored by the able Senator from Arizona, Mr. DECONCINI, the distinguished Senator from New York, Mr. D'AMATO, Senator LOTT of Mississippi, and Senator COATS of Indiana. After much thought, I have reluctantly, I will say to my friend, decided to join Senator DECONCINI in the nonbinding sense-of-the-Senate resolution instead of forcing a vote on the decertification resolution.

Mr. President, let me be candid about it. I have my doubts, but I am willing to compromise and give the President of Mexico perhaps more than he is due. I hope I am mistaken about that, but give him a 1-year grace period and see what he does.

On March 1 of this year, the State Department released its annual narcotics control strategy report. For the third year in a row, the State Department has certified to the Congress that the Government of Mexico has "fully cooperated" with the United States during the preceding 12 months in the effort to stem the flow of illegal drugs into the United States.

Without that certification, the President is prohibited from sending any economic, military, or other assistance to Mexico. Like the distinguished Senator from Arizona, oh, how I do wish I could agree with the State Department certification. I wish I could stand here in the Senate this afternoon and state with utmost conviction that Mexico has "fully cooperated" with the United States in the 12 months preceding March 1, 1989. I wish I could report the cooperation between the United States and Mexico is so extensive that we are successfully winning the war against drugs.

I cannot do any of those things for the very reason the distinguished Senator from Arizona has specified. No, that is not the case. They have not fully cooperated. Those are not my words. Those are the words of the law which must prevail before the Congress of the United States is to agree to certify Mexico. We are not winning the war on drugs, and we are not winning in part at least because the Government of Mexico is not "fully cooperating" with the United States. They are not fully cooperating today and they certainly did not fully cooperate during the period March 1, 1988 until March 1, 1989, and that is the period involved.

So, Mr. President, the entire certification process has been allowed to become a sham, and the Congress of the United States is doing it with the help of the State Department.

Under the 1986 law—and I will discuss the things that went on at the time that law was approved by Congress—countries must be certified as having—and I will repeat again for the purpose of emphasis—"cooperated fully," not cooperated except, not cooperated pretty good, not cooperated a little bit encouraged, in an encouraging way, but cooperated fully. That is what the law says.

They have to have cooperated fully in the previous 12 months in three key areas: crop eradication, interdiction of traffickers, and money launderers; one, two, three. That is what the law says. That is what the Senate voted on, the Senator from Connecticut included.

What do we hear on the Senate floor now? Oh, we hear that the Anti-Drug Abuse Act is flawed and how the standard for judging cooperation is imperfect.

Mr. President, when that law was being considered in this Chamber, I recall distinctly that there was not one Senator—not one—who got out of his chair and off his fanny to question the standard by which the State Department was judging cooperation in the drug eradication. No, sir, not a peep. Everybody was in favor of it because they would get headlines back home for having done something about drugs. There was not one Senator at that time who argued that the standard was imprecise or too strong.

So we approved the law, and we beat on our breast. "Look at us, we did something about drugs. Please, Mr. Radio, look at it, Mr. Television Camera, look at it, we are really doing something."

Here we are when it comes to abiding by the law, what do we have? We have the State Department and some Senators who say, "Well, let us bend the law a little bit to achieve various diplomatic objectives," et cetera, et cetera, et cetera.

Mr. President, if there is a Senator who thinks the law ought to be changed, then let us debate it, let us discuss it, let us put it before the Senate and the House of Representatives for a vote, and then let us see if the American people who watch in growing despair as a generation is being crippled by illegal drugs, let us see if the American people feel that the standard is too high. Let us see if

the American people who cannot open a newspaper or turn on the television or the radio without hearing about a drug-related problem, let us see if they feel the standard is too high.

I hear all the time in this Chamber, let us obey the law. The majority leader said it yesterday, obey the law. What we mean around this place is obey the law except. To my knowledge, the Congress has not entertained one proposed modification other than to delete expedited procedure, which would effectively gut the certification process and which I will oppose at the appropriate time.

So until the law is changed, Mr. President, I believe the law means what it says. It is written in the King's English. It is a simple statement of what the law is. Either a country has fully cooperated or a country has not. That is a reasonable standard.

So, Mr. President, it is against that standard, a law approved by the House and Senate, signed by the President, that we must judge cooperation in the international war on drugs. It is against that standard that we must look at Mexico's record during the relevant year and ask ourselves, "Has Mexico fully cooperated with the United States?" And the record clearly shows the answer is indisputably "No."

In April of this year, I think it was April 5, the Senate Foreign Relations Committee held an important hearing. It was chaired by the distinguished junior Senator from Massachusetts, Mr. KERRY. The hearing was on the President's narcotics control strategy report.

At that hearing, the Assistant Secretary of State for International Narcotics Matters testified that "Mexico remains the largest single source country for heroin and the second largest source country for marijuana and a leading transit point for cocaine."

Mr. President, Mexico is a leading transit point for the poison that is killing our children all across this country. Mexico is a leading transit point for the substances that have caused this city of Washington, DC, to be known around the world as the drug capital and murder capital, and Mexico is the leading transit point for these substances that have turned our cities virtually into combat zones where outright drug warfare is engaged in with impunity.

Now, I understand as well as anybody else the difficulties in stemming the war on drugs, and I tried to keep an open mind when I listened to some of the State Department witnesses. I realized that even if Mexico were fully cooperating with the United States, there is still much to be done to seal off our southern border from drug trafficking. So I was fully prepared to listen to the testimony of all the administration witnesses scheduled to appear at that important hearing on April 5. I was fully prepared to keep an open mind when listening to the views of the State Department the DEA, the Drug Enforcement Agency, and the Treasury Department.

But a funny thing happened at that hearing. The State Department sent a witness to tell the committee why Mexico should be certified. "No doubt about it," the witness said. The DEA had no problem sending a witness to tell the committee why Mexico should be certified. But one witness who had received a formal written invitation from the chairman of the Senate Foreign Relations Committee almost 2 weeks before the hearing was not there. His chair was empty.

The man who was not there, Mr. President, was the Commissioner of Customs for the United States of America. I wondered about it because I know for a fact that the Customs Commissioner was willing to testify, he was prepared to testify on that day before the Foreign Relations Committee, and I also know that the Secretary of the Treasury, Nick Brady, had no objection to the Commissioner appearing before the committee because I called him on the telephone and asked him. He did not even know anything about it. He said, "It suits me all right."

But the Commissioner of Customs did not come because he could not come. He was not allowed to come because some bureaucrat in the Treasury Department, down in the soft underbelly of the bureaucracy, had taken it upon himself to decide who can and who cannot testify before the Senate Foreign Relations Committee. And he said, "William von Raab cannot go because he is likely to embarrass the other witnesses." You see, William von Raab, the most dedicated, distinguished public servant I have ever known in my life, was prepared to come and tell the truth about what is going on involving Mexico. He was not allowed to come. Some bureaucrat decided on his own, "It ain't going to happen." Someone in the Department of the Treasury did not want us to hear about United States-Mexican so-called cooperation on the drug issue.

In any event, after securing a commitment from the distinguished chairman of the Foreign Relations Committee to permit another hearing with the Commissioner of Customs, Mr. von Raab, we proceeded to hear testimony from the State Department and the Drug Enforcement Agency, and in that hearing the administration witnesses testified, what do you know, that Mexico had not cooperated in seven—count them, seven—key areas.

One, the witnesses testified that Mexico had not granted the essential overflight rights.

Two, they testified that Mexico will not grant hot-pursuit rights to the United States.

Three, they testified that Mexico had not granted permission for the United States to join in participation of air surveillance flights or interdiction in the past 12 months, the 12 months which were the basis for the judgment as to certification.

Four, the administration had said that Mexico had not granted access to bank records requested by the United States.

Five, and perhaps the most troubling point, and Senator DECONCINI addressed that eloquently, is the fact that Mexico has not tried, convicted, and sentenced the principal suspects responsible for the brutal, unconscionable murder of the DEA agent, Mr. Camarena. They tortured him for days, buried him in sand, and killed him. Senator DECONCINI has already outlined that, and I will not duplicate what he has said, but he told it like it was. I thank the Senator from Arizona for doing that.

The testimony revealed that Mexicans had not allowed the United States to verify through satisfactory procedures certain eradication statistics. And the administration witnesses acknowledged before the Foreign Relations Committee that there were, indeed, various new officials in high-level law enforcement posts in Mexico who have been alleged to be tied to drug trafficking and other criminal activities.

Mr. President, I ask unanimous consent that a copy of the testimony I have just referred to be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HELMS. So, Mr. President, based on that testimony, I asked our administration witnesses how they could possibly certify that Mexico had, as the law puts it, "fully cooperated" with the United States the previous 12 months. As I expected, I got mush for answers, such as, "Well, Senator, there are other factors that need to be taken into consideration."

That is what we hear on this floor. They say we ought to obey the law except when it is more convenient for us not to obey it. That is not what the law says. And if Senators do not like that law, let them propose changing it.

I asked at least one of the witnesses what other factors could possibly be as important as the war on drugs. A response from one of the State Department witnesses was, "We are all in a wait-and-see pattern as we wait and see what the new administration in Mexico does."

How is that for a bureaucratic answer? May I ask just how long we

should wait and see while the killer drugs keep pouring in a deluge over the border? Well, I also heard one of the bureaucrats say, "Oh, Senator, the relationship with Mexico is complex on narcotics issues."

You bet your boots it is complex, and it is because we are not requiring full cooperation, as our own law passed by the Senate requires.

Mr. President, many of those in Mexico argue that Mexico should be given a 1-year grace period on certification inasmuch as President Salinas has been in office only a few months, and I agree that Mr. Salinas has shown a little more receptiveness in his first few months in office than his predecessor showed in the years he was in office. Thus far, the President has presented some good rhetoric, taken one or two positive steps.

For example, in April, Mexican officials arrested a major drug kingpin, Felix Gallardo, and I welcomed that arrest. He certainly needed to be arrested. But this should not be a once-in-a-decade event. Mr. Gallardo is simply one of many.

Mr. President, it is interesting to note that other Mexican Presidents also started their first year in office with mighty tough rhetoric, and I fervently hope that President Salinas will in fact wage a 6-year war on drugs.

In the meantime, I am willing to join my colleagues in expressing my support for President Salinas' efforts, such as they are, what there is of them, and in sending a signal as to how we will measure the cooperation in the next year.

I mentioned Willie von Raab—that is what everybody who knows him and likes him calls him—William von Raab, Commissioner of Customs.

On May 2, he finally was able to come before the committee, and the media ignored his testimony like it was a plague. I remember one reporter sitting there, three or four sitting there, one was nodding, about to slump over on the table, and nothing appeared in the press or on television. But Mr. von Raab came and he reminded the committee that the man who was Governor of the Jalisco State where the U.S. DEA agent was murdered is currently serving as—what do you reckon? The attorney general of Mexico, and in the new government, the one that is going to do so much.

This attorney general, according to the testimony of Customs Commissioner von Raab refused to provide any assistance to the U.S. efforts to prosecute those responsible for the Camarena murder. The chief law enforcement officer in the new Mexican Government, the new attorney general, said "No deal. We ain't going to prosecute him"—no assistance despite the fact that a fine dedicated U.S. official was kidnaped, savagely tortured and murdered. How do you like them apples of full cooperation?

Mr. von Raab asked whether he feels confident that the new attorney general will take his responsibilities seriously with regard to drug trafficking and here is what he replied. It is in the RECORD:

> I am not comfortable with the present attorney general. His prior performance is such that I don't think we could ever overlook a situation in which someone was either actually or titularly responsible for one of the most corrupt law enforcement organizations in Mexico. That is not to say that there are not some reliable people in the attorney general's office. But the attorney general himself, to me, has a background that has a lot of explaining that needs to be done about it.

At that hearing, one of the best-kept secrets in Washington this year because Mr. von Raab was not telling anything that a lot of people in the news business liked to report, Mr. von Raab confirmed each of the seven points that I identified earlier about Mexico's noncooperation, the same points that were confirmed by other administrations a month previously.

Mr. President, it is again that background that I think to be rational about it we must temper these high hopes of unprecedented semicooperation of drug control under the Salinas government.

Back in February of this year the Commissioner of Customs sent an unclassified memorandum to the Secretary of the Treasury in which he stated:

> Intelligence information currently at my disposal does not reflect any radical deviation of the new Salinas administration from the prior Mexican administration; in fact, quite the contrary may be the case.

It would be unconscionable, Mr. President, to do nothing on this matter this year. I just pray that we are not doing the wrong thing by confining ourselves to a sense-of-the-Senate resolution but I will agree to go along with it, and I will.

By remaining silent we would be endangering more lives in our own country. President Salinas has said that combatting the drug crisis is a "national security objective of the highest priority", and I praise that statement, but if it is a "national security objective of the highest priority", I wonder why they are not providing the kind of cooperation that I listed earlier.

Mr. President, inasmuch as no yeas and nays are yet obtained on my second-degree amendment, I send to the desk two minor modifications which are in language only.

The PRESIDING OFFICER. The Senator has that right and the amendment will be so modified.

The amendment, (No. 304) as modified, is as follows:

Strike all after "SEC." and insert:

915. POLICY TOWARD THE CONTROL OF ILLEGAL DRUGS IN MEXICO.

(a) FINDINGS.—The Congress finds that—

(1) the Foreign Assistance Act of 1961 requires, except in cases of vital national interest, that all countries determined to be a major illicit drug producing country or a major drug-transit country must be "cooperating fully" with United States anti-narcotics activities in order to continue receiving various forms of United States foreign assistance;

(2) relations between the United States and Mexico have suffered since the 1985 kidnapping and murder of Drug Enforcement Administration agent Enrique Camarena and the 1986 torture of DEA agent Victor Cortez;

(3) testimony before the Senate dating to 1986 has indicated that high-ranking Mexican government, military, and law enforcement officials have been involved in illegal narcotics operations, including narcotics trafficking operations into the United States;

(4) Mexico has been determined to be the primary producer of marijuana and heroin entering the United States and the transit point for up to 50 percent of the cocaine being smuggled into this country;

(5) there have been three drug-related mass murders involving more than 30 victims along the southwest border in recent months involving Mexican drug trafficking organizations;

(6) the United States continues to seek, with Mexican cooperation, hot pursuit and over-flight authority for United States law enforcement agencies, access to bank records, verification of eradication figures, information on those who have been tried, charged, sentenced, and served time for narcotics-related crimes, and extradition of criminal figures:

(7) there was sworn in a new president and government of Mexico on December 1, 1988, creating a new era of opportunity for increased cooperation and mutual friendship;

(8) the new President of Mexico, Carlos Salinas de Gortari, has indicated a strong willingness to expand and improve Mexico's anti-narcotics activities;

(9) the Chief of the Mexico City Police Investigative Service, Miguel Nazar Haro, who is under indictment in the United States, has been fired;

(10) the Government of Mexico has arrested Miguel Angel Felix-Gallardo, one of the most notorious drug trafficking figures in Mexico;

(11) Mexican officials have for the first time conceded that corrupt Mexican officials, including law enforcement, government, and military officials, have previously protected Mr. Gallardo; and

(12) criminal charges of electoral fraud against the mayor of Hermosillo, Carlos Robles, and homicide and arms charges against the head of Mexico's Oil Workers Union, Joaquin Hermandez Galicia, have been filed.

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

(1) President Salinas should be supported in his expressed willingness to end the narcotics-related corruption that has permeated the Government of Mexico in the past;

(2) Mexico should conclude the prosecution of the murders of Drug Enforcement Administration agent Camarena, and perpetrators of torture against DEA agent Cortez, and make progress in the prosecution of Felix-Gallardo;

(3) Mexico should demonstrate its commitment to cooperating fully in anti-narcotics activities by entering into negotiations with the United States on—

(A) joint over-flight and hot pursuit operations, involving Mexican law enforcement officials traveling on United States interdiction aircraft with Mexican officers having responsibility for actual arrest of suspects;

(B) participation of United States law enforcement agencies in air surveillance flights for interdiction efforts and joint United States-Mexico border enforcement and interdiction operations;

(C) United States requests for access to bank records to assist in carrying out narcotics related investigations; and

(D) United States requests for verification of eradication statistics, including ground verification; and

(4) the people of Mexico should be supported in their efforts to rid their country of illicit narcotics, bribery and corruption, and electoral fraud.

Mr. HELMS. I thank the Chair.

I shall conclude. I think we have all gone a little longer than we anticipated going.

Mr. President, I was a little bit surprised that the distinguished Senator from Connecticut, who is my friend—I enjoy my friend, Senator CHRIS DODD—and also the Senator from Arizona complained that this resolution is inaccurate. They say the suspect in the Camarena and Cortez cases have been brought to justice. It is true, as I think Senator DECONCINI mentioned, and in the case of the Camarena murder, the principal suspect, Mr. Caro-Quintero was tried on a nonrelated charge but he has not been tried for kidnap and murder. Senator DECONCINI, if the Senator wants to look at the record, will see that he explained that very carefully about the tunnel. I have heard two or three different versions of why the tunnel was built, so that the defendants could come and go and some of their nocturnal guests could come and go.

But Mr. Caro has not been tried for kidnap and murder. That is what the resolution says. It says kidnap and murder. That is for the torture of Mr. Cortez, the DEA agent, that there was a trial, but Mr. Cortez was brutally and savagely tortured because he was a representative of the U.S. Government. It is true that the torturers went to trial, but they were sentenced to a total of 5 years.

The Senator from Connecticut may call that justice, but I do not. It is more of a travesty. He might want to check with Mrs. Cortez and see how she feels about it; and the children.

So I believe the resolution as it stands is absolutely correct. I would inquire in closing: I am correct, am I not, that the yeas and nays on the second-degree amendment have not been obtained?

The PRESIDING OFFICER. The Senator is correct. The yeas and nays have not been ordered on the second-degree amendment.

Mr. HELMS. I ask for the yeas and nays.

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

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair.

I yield the floor.

EXHIBIT 1

ADMINISTRATION WITNESSES, APRIL 5, 1989, SENATE COMMITTEE ON FOREIGN RELATIONS

Senator HELMS. Thank you, Mr. Chairman.

I have a number of questions that I'm going to pose to both of you at the same time. I think they are yes or no answers.

The first one is this:

Has Mexico granted overflight and/or hot pursuit to the United States in the last 12 months?

Mr. WESTRATE. No, although DEA in Mexico is able to do some flights. I think you are referring probably to the Customs Service request for that authority, and the answer is no, they have not.

Senator HELMS. I'm sorry, but I didn't hear you. Your answer is no?

Mr. WESTRATE. It's no in terms of the Customs Service request for hot pursuit. DEA does overfly with our Mexican counterparts on investigations, when appropriate.

Senator HELMS. What does that mean?

Mr. WESTRATE. Well, sir, I think you were getting at the—

Senator HELMS. I just want to know yes or no whether Mexico has granted overflight and hot pursuit to the United States during the past 12 months, and that is what the certification period is.

Mr. WESTRATE. Yes, sir, they have, in terms of DEA with our Mexican counterparts. We can overfly.

The answer is no in terms of the Customs Service request to fly from the U.S. into Mexico for hot pursuit.

Senator HELMS. Has Mexico granted permission for the United States to join in participation of air surveillance flights for interdiction efforts in the last 12 months?

Mr. WESTRATE. No.

Mr. WROBLESKI. Not to my knowledge.

Senator HELMS. Both of you say no.

Has Mexico granted access to bank records requested by the United States in the last 12 months?

Mr. WROBLESKI. My understanding, Senator, on that issue is they have not, you are right. I think that their response would be that the Mutual Legal Assistance Treaty currently pending would make that process a lot easier and a lot simpler.

Senator HELMS. But they have not done it?

Mr. WROBLESKI. No.

Senator HELMS. Has Mexico tried, let alone convicted and sentenced, the principal suspects in the murder of DEA agent Camarena in the past 12 months?

Mr. WESTRATE. Yes, sir, they have, in terms of the drug prosecutions. They have not in terms of the murder prosecution. But they are expected to do so by June 15.

Senator HELMS. So the answer to the question that I asked is no.

I asked specifically as to the murder.

Mr. WESTRATE. No as to the murder. That's correct.

Senator HELMS. Has Mexico tried, let alone convicted and sentenced, the principal suspects in the torture of DEA agent Cortez in the last 12 months?

Mr. WESTRATE. Yes, they have.

Senator HELMS. Tell me about it.

Mr. WESTRATE. They received up to five years in prison and some other fines and restrictions.

Senator HELMS. Up to five years—

Mr. WESTRATE. Yes, sir.

Senator HELMS. —for deliberate torture.

Mr. WESTRATE. Yes, sir.

Senator HELMS. Well, that's just great.

Can you say with confidence that the new Mexican Administration has not named any high level law enforcement officials whom the United States believes may have ties to drug trafficking or other criminal activities?

Mr. WESTRATE. Would you restate that, sir?

Senator HELMS. Sure.

Can you say with confidence that the new Mexican Administration has not named any high level law enforcement officials whom the United States believes may have ties to the drug trafficking or other criminal activities?

Mr. WESTRATE. Let me answer that question by saying that there are allegations that we possess against some officials; but they are allegations, and they are unproven.

Senator HELMS. When were the allegations made?

Mr. WESTRATE. They span a number of years.

Senator HELMS. Do you have any opinion satisfactory to yourself why a number of years have elapsed and nothing has been done about it?

Mr. WESTRATE. Well, I think you have to look at the nature of the allegations, which I have done in great depth. An allegation is an allegation. You have to understand the same old problem that we have here. When we receive an allegation like this, first of all, it must be reported, which we do. Second, to the extent that we can pursue it, we do that. We do that with the host country involved, if circumstances are appropriate.

In many of these cases, if not, in fact, in most of these cases of allegations against officials, you have no way to pursue it. You cannot go to a foreign country and institute a Grand Jury process, for example.

If it were an allegation in the U.S., we would handle it one way. But because it is not, we are limited.

We do, however, I think have a solid track record, Senator, in terms of actually taking action here when we have the proof that we need to reach indictments against people who are alleged to be involved.

During the course of the past year, year and a half or two years, we have done that on a number of occasions, as you know, against officials of various countries. We will continue to do that when we can develop that information.

Senator HELMS. I understand all of that. But evidence is evidence, and you and I cannot discuss it in this open hearing. But it is conclusive, and I think you know that.

This is what troubles me.

Well, let's move on.

Did Mexico grant safe haven in Cuba for William Morales, the terrorist wanted for extradition by the United States?

Mr. WESTRATE. My understanding—although that is not a drug case—my understanding is that he was released by the Mexican authorities and did go to Cuba.

Senator HELMS. He was released by the Mexican authorities so he could go to Cuba.

Mr. WESTRATE. I believe so. At least our request for extradition was not honored.

Senator HELMS. Right.

Is it true that the Mexican army will not allow the United States to verify its eradication procedures?

Mr. WESTRATE. No, that is not true. We are allowed to verify, and there are different ways that that happens.

Senator HELMS. Is it, in your judgment, a satisfactory verification procedure?

Mr. WESTRATE. No, it is not.

Senator HELMS. Do you agree?

Ms. WROBLESKI. I think that is right.

Senator HELMS. The last question is do you believe these and other facts show that Mexico has "cooperated fully" in the past 12 months?

Mr. WESTRATE. Well, considering the answers to those questions and the other factors that are taken into consideration in this process, the President has determined that they have fully cooperated and, therefore, did certify them.

Senator HELMS. And even if you disagreed with him, you wouldn't say so?

Mr. WESTRATE. No, sir, I would not. [General laughter.]

Senator HELMS. Diogenes can put down his lantern. You are an honest man.

Do you agree?

Ms. WROBLESKI. Well, I think that Mr. Westrate makes a good point. There are issues other than those on your list, although the answers to those questions would appear to be self-evident. But there are, of course, other factors which need to be taken into consideration: the eradication campaign, the seizures, all of the statistics, if you will, on Mexico are up for the calendar year of 1988. We have seen action since President Salinas took office which I think both we at the State Department and at the Justice Department find encouraging. Stemming from his first, very candid, meeting with President Bush in November, we have seen him saying, and doing, to a certain extent, all of the right things.

This was the first year that narcotics was an issue in the Mexican election. I think that we are all in a wait-and-see pattern as we wait and see what the new administration in Mexico does.

Senator HELMS. Well, I would not debate with you about that. I think it was Humpty Dumpty in Lewis Carroll's "Through the Looking Glass" who said, "When I use a word, it means precisely what I intend it to mean, nothing more nor less."

What do the words "cooperated fully" mean to you?

Ms. WROBLESKI. We have this debate fairly frequently.

It seems to me that Congress has built into the certification process certain judgment calls, as the Chairman reflected in his opening statement. We take into consideration, the President takes into consideration, I think, the full range of narcotics issues.

Because the relationship with Mexico is complex on narcotics issues, not to mention all of the other issues, there is more there to look at. I think, again, when you look at seizures, when you look at arrests.

COMMISSIONER WILLIAM VON RAAB, MAY 2, 1987, SENATE COMMITTEE ON FOREIGN RELATIONS

Senator KERRY. Do you want to summarize it? I mean, maybe your memory as to what is and what is not in it will be stronger if you do that.

Mr. VON RAAB. No, except to say that I have been——

Senator KERRY. Why don't I ask you a few questions?

How long have you been Commissioner now?

Mr. VON RAAB. For seven and a half years.

Senator KERRY. And in the seven and a half years that you have been Commissioner, have you worked closely with the Mexican Government?

Mr. VON RAAB. The first trip I took abroad, which was actually within two weeks of my taking over as Commissioner, I went to Mexico.

It was a rather remarkable trip. Among other things, I was invited to go to a whore house while I was there. Fortunately, I turned that request down.

So, having had that rather startling introduction, we actually went through a period of two years in which we tried very hard to develop as good cooperation as we could. I will say that between the two Customs Services, we reached a point at a meeting in Zijuatenejo in which we actually agreed on 17 points of cooperation.

At that point, the Customs Commissioner and his boss were fired. Two Customs Commissioners were produced, each of whom claimed responsibility for Customs, making it impossible for us to work with the Customs Service.

I made a trip at that time with Senator Hawkins to Mexico, in which we put forth some of the proposals that have been kicked around now for some years. We put them forth with some enthusiasm and some hope. They were politely discouraged and slowly, but persuasively, rejected over time.

Then the next events that took place were a serious degradation of, if you would, relations on the law enforcement front, sort of culminating in the Camarena murder and the Cortez beatings, and a gradual period of cooling off of relations between the de la Madrid law enforcement structure and the Customs Service, leaving us in a rather miserable state of affairs at the end of that administration.

Senator KERRY. I think many of us recognize that there were a lot of problems in the prior administration. This Senator co-sponsored, with Senator Helms, the decertification previously, and we won in the Senate, as you know. Then it died in the darkest reaches of the House.

We are back here. I am not this year a cosponsor. I guess the really relevant question for most Senators is where are we now. Is there an indication that there is a move toward better cooperation? Is there a breathing spell that ought to be granted to the President, and so forth?

So, let me, on behalf of Senator Helms, ask some of his questions.

I think you have really answered the first question, which is cooperation of the last Mexican administration.

Now, President Salinas has been President for five months. In your opinion, has there been more cooperation with the new administration?

Mr. VON RAAB. If I may, to quote from a letter that I have written to Dr. Bennett, the issue is simply whether the recent actions taken by the Salinas Government, which are attractive, and apparently supportive of law enforcement, "are indicative of a major shift by the Mexican Government, or whether there is a throw-away activity exclusively arranged for its domestic political effect in the United States."

If, as I hope is the case, the kinds of actions that we're seeing generated almost directly from the Office of the President are evidence of a systemic change, then things look good. If, however, it is similar to what we saw in the de la Madrid administration of sort of two years of trying to look good, followed by four years of not caring, then it's bad.

I do not like to be the lone critic of Mexico. I don't find that position comfortable. But I do think it is important to keep our eyes open, as we do with glasnost, to insure that this is real, that it is permanent.

We have only a short experience with Salinas. There have been some bright spots. I would hardly say there were a "thousand points of light," but maybe three or four.

Senator KERRY. In comparison with other countries, how would Mexico rank in terms of cooperation?

Mr. VON RAAB. Through the de la Madrid Administration, Mexico's performance was about as dismal as I could expect, including using up a lot of high level U.S. administration time in wild goose chases on cooperation.

Now, as I indicated, there are signs of improvement. If you believe glasses are half full, you are feeling very good about this administration.

I want to feel good about it.

Senator KERRY. Who was the governor of Jalisco State when the U.S. DEA agent Camarena was murdered?

Mr. VON RAAB. The governor was Enrique Alvarez del Castillo, who is now the Attorney General of Mexico.

Senator KERRY. Was he cooperative with U.S. efforts to prosecute those responsible for the Camarena murder?

Mr. VON RAAB. He refused to provide any assistance as governor.

Senator KERRY. How would you describe your attitude toward the Attorney General Alvarez, that same governor, with the information regarding—well, would you trust him with information regarding drug trafficking provided by the U.S. under the current MLAT treaty?

Mr. VON RAAB. I am not comfortable with the present Attorney General. His prior performance is such that I don't think we could ever overlook a situation in which someone was either actually or titularly responsible for one of the most corrupt law enforcement organizations in Mexico.

This is not to say that there are not some reliable people in the Attorney General's office. But the Attorney General himself, to me, has a background that has a lot of explaining that has to be done about it.

Senator KERRY. Have there been any formalized agreements between the United States and the Mexicans that involve the Customs Service which provide for increased cooperation?

Mr. VON RAAB. There are no formal agreements between Customs and the Mexican law enforcement establishment.

At the time of the establishment of Operation Alliance, which is our special anti-drug operation on the border, Assistant Secretary Frank Keating made a number of efforts to craft some agreements with the then-Deputy Attorney General, a fellow by the name of Ortega-Padilla, and our Assistant Commissioner, William Rosenblat, was designated as the Customs individual to work these out.

He met once or twice with Ortega-Padilla.

There was lots of good talk. As soon as the proposals were reduced to writing, although we signed the proposal, Ortega-Padilla never found the time or the enthusiasm to agree to any of the proposals, as a result of which, we never had a proposal, although we did a lot of talking.

Senator KERRY. Has the Mexican Government granted Customs overflight rights?

Mr. VON RAAB. No. They have not granted us overflight rights.

Senator KERRY. With Mexican agents on board, or solo, or in any status?

Mr. VON RAAB. We have not been granted overflight rights to follow airplanes across the border in hot pursuit.

We have been given permission to fly our planes to get over to the Gulf Coast of Mexico, across Mexico, but not for the purpose of surveillance; just, basically, for the purpose of a shorter route to the Gulf.

Senator KERRY. And not at all for the purpose of hot pursuit?

Mr. VON RAAB. That's right.

Senator KERRY. Do the Mexicans currently participate with U.S. Customs Service in joint air operations?

Mr. VON RAAB. No. They do not.

Senator KERRY. Have you requested those operations?

Mr. VON RAAB. We have a sort of permanent, I guess the longest established floating request—to paraphrase Damon Runyon—with the Mexicans to have that. But it has not been granted.

Senator KERRY. Has it been reiterated in recent days?

Mr. VON RAAB. It has been reiterated on a regular basis. Yes.

Senator KERRY. How regularly? When most regularly?

Mr. VON RAAB. Well, I can't tell you the last time the request was made, but I would assume that the request was made certainly informally within the past three or four months.

Senator KERRY. And if the Mexicans were to participate in those joint operations, what would be the impact on drug smuggling from Mexico?

Mr. VON RAAB. I think it would be a similar impact to that which we have seen with the Bahamas. That is, with the Bahamas, we actually have U.S. officers on our planes flying into the Bahamas with Bahamian officers. At the same time, our planes at times fly into the United States with Bahamian officers.

When we are in Bahamas, we support the Bahamian officers while they make an arrest. In other words, we guard the plane. We take sort of nonintrusive enforcement action, and vice versa.

The result I think would be to reduce air traffic, illicit smuggling air traffic, across the U.S. border, and, I might point out, illicit air traffic into Mexico, because these fellows are no dummies. They don't "deadhead" back into Mexico. They carry smuggled goods, usually electronics, back into Mexico.

I think it would cut that two-way trade of drugs and electronics substantially.

Senator KERRY. Has Mexico granted access to bank records requested by the United States?

Mr. VON RAAB. No, they have not.

Senator KERRY. Are you familiar with a Mr. Ortega-Padilla?

Mr. VON RAAB. Yes.

He is the individual to whom I referred earlier. He was one of the Deputies Attorney General, and now he is the Director of the U.S. UNFEDOC program, the agricultural development program in Mexico.

Senator KERRY. Is that related to narctics?

Does he hold a position in the Mexican Government related to narcotics?

Mr. VON RAAB. Mr. Outlaw from our Enforcement Division will given you a little more detail on that.

Mr. OUTLAW. Mr. Ortega is in charge of approximately a $15 million fund that is designed to promote agricultural development in support of Third World countries. The principal theory behind this agricultural development is to provide alternatives to illicit crop production.

Senator KERRY. Has he ever personally blocked any anti-drug operations or initiatives?

Mr. VON RAAB. In May of 1988, U.S. Customs had two Black Hawk helicopters in Yuma, Arizona, and we had established contact with the commandante of the local MFJP in Sonora. They had agreed with us to engage in a joint U.S.-Mexican operation, which we believe would have been quite successful.

In spite of the agreement of the commandante and the MFJP, when the request went to Mexico City, Ortega-Padilla turned it down. As a result, we think we lost a substantial load of cocaine.

Senator KERRY. Does the Customs Service have information on high level officials in the current Mexican Administration that indicates they are involved in the drug business or have associations with known drug traffickers?

Mr. VON RAAB. We have discussed the Attorney General at length before. It is a bit difficult for me to run through a list of what might be regarded as high level officials. But there is information, particularly with respect to associations of individuals, in the Mexican Government, association with individuals with known drug trafficking activities.

Senator KERRY. But you are saying, you are not confirming, then, that there are high level government officials involved in drug trafficking?

Mr. VON RAAB. I think the two major concerns we have would have to go to the background and previous associations of the Attorney General and his involvement in the Jalisco activities. Secondly, I am personally concerned about Ortega-Padilla and the role that he played in basically quashing any number of successful efforts when he was in the de la Madrid Administration.

Those are the individuals who give me the greatest concern.

Senator KERRY. To your knowledge, are there other agencies of our government that have information on corrupt Mexican officials?

Mr. VON RAAB. There is a subtantial amount of information in DEA files, with respect to a number of administration officials. In some cases, obviously, as law enforcement information is, it is alleged or unconfirmed. But, however, there is information in their files on officials in the Mexican Government.

Senator KERRY. Now, immediately before leaving office, Secretary Shultz wrote a letter to the enforcement agencies here in this country asking them to turn over all information in their files on corrupt Mexican officials.

Did you turn over information?

Mr. VON RAAB. We were queried on that by the Treasury Department. Our response to the Treasury Department was that we thought it would be inadvisable to turn this information on over to the Mexican officials.

Senator KERRY. Well, it was not to Mexican officials. It was to the State Department, wasn't it?

Mr. VON RAAB. Well, our understanding was it was going to go to Mexican officials.

Senator KERRY. From the State Department to Mexican officials?

Mr. VON RAAB. Right.

Senator KERRY. Do you know of any governors in Mexico involved in drug-related corruption?

Mr. VON RAAB. The governor of Baja California South has two brothers arrested on drug trafficking charges. The governor of the Federal District is closely associated with Nazar Haro. The governor of Jalisco's niece is, or was, Caro Quintero's girlfriend. Those are some examples of some of the governors.

Senator KERRY. But none of those examples that you gave me specifically is of a governor involved in trafficking. It is association.

Mr. VON RAAB. Those are all associations. That's correct.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, the amendment of the Senator from Arizona [Mr. DECONCINI] recognizes the positive efforts that are being made by the Salinas government on the antinarcotics front but it places demands on Mexico that the Mexicans believe impinge on their sovereignty such as joint overflight, hot pursuit, and joint border enforcement.

The Mexican Government has been making great strides in their antinarcotics efforts as evidenced by the arrest of one of the most notorious drug figures in Mexico, the firing of a high-ranking Mexico City police official, and the bringing of criminal charges against political and union officials.

The great majority of the members of the Foreign Relations Committee believe that Mexico is serious about antinarcotics efforts as the resolution to disapprove the President's certification of Mexico was defeated in committee by a vote of 14 to 3 this past April.

Mexico under President Salinas has demonstrated renewed vigor in the antinarcotics area and wants to work with the United States. I believe that a resolution such as this would be interpreted in Mexico as interference and could set back the positive developments that have recently been made on the narcotics front.

The PRESIDING OFFICER. The Senator from New York [Mr. D'AMATO].

Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of this sense-of-the-Senate amendment concerning efforts by Mexico to control illegal narcotics-related activities. I commend my distinguished colleagues who have joined together to draft and introduce this important amendment as an alternative to the decertification resolution.

Through the process of debating and adopting this amendment, I am confident that we can help Mexico's improving performance rise to the level where they will, in fact, meet the test of "full cooperation" which is the legal basis for certification under the

International Narcotics Control Act of 1986.

I have been a leader in efforts to decertify Mexico. In truth, previous certifications of Mexico as "fully cooperating" were a farce. Drug production in Mexico and drug transit through Mexico were growing, not shrinking. DEA agent Enrique Camarena was tortured and murdered, and the Mexican legal system was inventing new definitions for delay. Corruption and neglect were the norm for Mexican law enforcement, except when producing indignant public statements defending their unacceptable performance.

Now, I am happy to report, President Salinas has energized Mexican antidrug efforts. Most strikingly, Mexican law enforcement officials arrested Miguel Angel Felix Gallardo, one of the most famous and powerful Mexican drug traffickers. They also arrested a substantial number of local law enforcement officers and charged them with protecting Gallardo.

Mexican officials have finally fired the chief of the Mexico City police investigative service, Miguel Nazar Haro, who has been under United States indictment for narcotics offenses for some time. Other progress is being made, as major narcotics trafficking organizations have been dismantled or disrupted.

On March 15, 1989, I asked Secretary of State Baker about Mexican progress in arresting and convicting major drug traffickers last year. I received the Secretary's response in writing.

The Secretary stated that Rafael Caro-Quintero, who was arrested in 1985 in connection with Agent Camarena's murder, was convicted and sentenced in September 1988 to 34 years in prison. He listed the following major violators as having been arrested in 1988-89:

Miguel Quintero-Paez, Filemon Medina-Medina, Juan Lizarraga-Lizarraga, Juan Jose Quintero-Payan, Jose Pineda-Trinidad, Juan Frank Garcia, Hugo Etienne-Marin, Gilberto Ontiveros-Lucero, and Guiseppe Catania-Ponsiglioni.

The Secretary further reported that the Esparragosa and Fonseca drug organizations have been dismantled and three other organizations had been disrupted.

All of this good information marks what we hope and believe is the beginning of real progress in Mexico's efforts. President Salinas deserves full credit for this movement, where before there had been indignant protests that everything that could be done was being done.

However, the amendment I am supporting is still vitally necessary. Let me explain why.

Mr. President, I am confident that the Secretary answered my questions to the best of his ability. However, there are some points that were not fully addressed.

For example, while Rafael Caro-Quintero was convicted for narcotics trafficking activities, his trial for his role in Agent Camarena's murder is still not finished. The Secretary stated that verdicts in this trial are expected later this year.

Also, I asked if the Mexican Government had arrested, prosecuted, and convicted a single major drug trafficker in the last year, and, with the exception of Caro-Quintero, all of the persons he named had only been arrested. The question of prosecution and conviction was not answered, because the answer would not have supported certification.

Finally, I was not precise in my formulation of the question. I asked about arrests "in the last year," meaning during calendar year 1988. In his response, he supplied names from 1989, after President Salinas took office. This answer made Mexican performance look better than it actually was.

Looking further at the question of full cooperation, as the amendment states, we are seeking major steps forward on issues that have been on the table for years. These major issues are:

Hot pursuit of fleeing drug suspects by United States law enforcement aircraft, with Mexican law enforcement officials aboard, across the Mexican border;

United States participation on Mexican air surveillance flights for interdiction;

Access for United States law enforcement to Mexican bank records;

Verification by United States personnel of Mexican drug eradication performance;

Extradition to the United States of Mexicans charged with crimes.

Until we see progress on these issues, certification of Mexico as "fully cooperating" will remain an "Alice of Wonderland" exercise. We will be saying something we all know is not true, solely to prevent embarrassment to Mexico.

The State Department's International Narcotics Control Strategy Report, which assesses Mexico's performance from March 1, 1988, to March 1, 1989, lists many examples of Mexican failures to cooperate or to take adequate steps on its own. The following statements are from pages 107 to 111 of that report, and I quote:

Mexico is a major producer of opium poppy and cannabis and continues to be a primary source of heroin and marijuana entering the United States.

Additionally, traffickers increasingly use Mexico as a transit country for shipping cocaine from South America to the United States.

Corruption continues to undermine effective drug law enforcement.

According to the Mexican military, it manually eradicated 6,781 hectares of opium poppy and 8,785 hectares of cannabis in 1988. U.S. officials are unable to verify these claims which, when combined with reported PGR [Attorney General's Office] eradication totals, equal or exceed U.S. estimates of total cultivation. The Mexican military does not permit civilian scrutiny of its official activities.

The [Mexican] Government for reasons of sovereignty, has declined to grant open-ended or unrestricted rights to the U.S. Customs Service to cross the Mexican border in pursuit of suspect aircraft. Various alternatives have been proposed by both sides without resolution.

* * * It is unclear whether the level of narcotics-related corruption has diminished, either in absolute terms or in its impact on programs.

Mr. President, they are not fully cooperating. That is the truth. No amount of exaggeration or clever presentation of the facts will overcome this fact.

But Mexico is making progress, This year, we are offering this sense-of-the-Senate amendment to encourage this progress, in the hope that in the near future, we will be able to honestly certify full cooperation—and that, as a result, Mexico's prominent role in the international drug traffic that is making our neighborhoods, our schools, and our cities unsafe is actually being reduced.

Mr. KOHL. Mr. President, everyone seems to agree that Mexico has made real improvements in their efforts to fight the war on drugs. Everyone seems to agree that there is more that Mexico can and should do. The disagreement comes from how we can best encourage and work with Mexico to make sure that those additional steps are taken.

I do not believe this amendment is the best way to do that. This amendment begins by praising Mexico for its improved record and then singles them out for criticism for not doing more. The Government and the people of Mexico are not going to respond well to the fact that they—above all other nations—are subject to this criticism despite their improved record. Every country could cooperate more fully. If they did, the drug problem would not be as great as it is. So why single out Mexico which is improving the job it is doing? What about Cuba or El Salvador or the Bahamas—or even the United States. You know, we aren't perfect. We have corruption caused by drugs. We have failed to fully cooperate with Mexico—we have never ratified the MLAT agreement which could help us develop a better strategy for dealing with Mexico on the drug issue.

Mr. President, the question here is not on the goal we seek; the question is the tactics we ought to use. If Mexico had not made the progress it has—then I would vote for this amendment. But Mexico has made progress, has made improvements, and I don't

think the reward for that ought to be the rebuke implicitly contained in this amendment. I always learned that you ought to reward progress in an effort to encourage even better behavior. I think that is why the President of the United States certified that Mexico is "fully cooperating" with us in an effort to stop the drug trade. I don't think that certification is accurate—"fully cooperating" isn't an accurate description of the state of affairs. But it is more accurate than decertification would have been—which is why, as he explained today, Senator HELMS declined to seek action on his resolution disapproving that certification by President Bush. And the President's certification is more accurate than this amendment—which is why I am voting against it.

Let me make one final point, Mr. President, we are trying to work with Mexico on a number of important problems: debt, pollution, trade. These are important issues. I am afraid that in addition to making Mexico less likely to cooperate with us in the war on drugs, adoption of this amendment will also make Mexico less likely to work with us on these issues. I might be willing to take that risk if I believed it would buy us more cooperation in the war on drugs. But as I have explained, I don't think that would be the case. This amendment will hurt our ability to achieve important economic and foreign policy goals while not advancing the war on drugs. I urge my colleagues to vote against it.

Mr. KENNEDY. Mr. President, I rise in opposition to this amendment relating to Mexico. At first glance, the amendment appears to be simply a harmless expression of concern over the serious drug problem facing our Nation. All of us in this Chamber have the concern of the authors of this amendment over the flow of drugs in this country. We all want more to be done to combat the crisis of drugs undermining our society.

But let us be clear what this amendment does. Bash Mexico. It bashes our neighbor at a time when it is making dramatic and significant progress on the very issues of concern to the United States: debt, drugs, democracy, and corruption.

The amendment itself recognizes these achievements. It states that the new President of Mexico, Carlos Salinas, has indicated a strong willingness to expand Mexico's antinarcotic efforts. The amendment lists a variety of impressive steps President Salinas has taken to confront its most serious problems. He has fired the chief of police, under indictment in the United States; he has arrested the godfather of drug trafficking, Felix-Gallardo; and he has moved against the corrupt leader of the Oil Workers Union, Joaquin Hernandez Galicia.

Since taking office last December 1st, President Salinas has also taken impressive steps to eliminate corruption in the electoral system. President Salinas has filed criminal charges against a variety of officials allegedly involved in fraud. And in one of the most historic moments in modern Mexican history, the ruling party, PRI, conceded defeat in a gubernatorial race for the first time in 16 years—in Baja California.

The new leadership in Mexico has lost no time in moving against the evils facing the Mexican society. And these are the very problems which are of concern to the United States—and to the supporters of this amendment.

The United States ought to stand firmly behind President Salinas and his government in his struggle—not undermine him with ill-advised and harmful amendments such as the one before us.

Let me recommend to my colleagues several articles on the recent events in Mexico. An editorial in the July 8, 1989, Washington Post states that "Mexico is a remarkable case of an authoritarian state going through a genuine and sweeping process of reform imposed from the top."

And a similar editorial in the July 7, 1989, New York Times states:

> In his seven months in office, Mr. Salinas has jailed corrupt union leaders and financiers, cracked down on major drug traffickers, and moved to prosecute a former security official accused of arranging the murder in 1984 of Mexico's leading journalist * * * (President Salinas') vision and his courage deserve U.S. applause and support.

Mr. President, I hope my colleagues will agree that President Salinas deserves our support and applause. Amendments such as the one before us can only undermine his determined efforts toward progress. I urge my colleagues to vote for a continuation and expansion of the steps taken by President Salinas by defeating this ill-advised and counterproductive amendment.

I ask unanimous consent that the text of several articles relating to recent events in Mexico may be printed in the RECORD.

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

[From the New York Times, July 7, 1989]

WINNING BY LOSING IN MEXICO

Mexico's governing Institutional Revolutionary Party, or PRI, has just registered a rare political triumph. For the first time since it was founded by revolutionary generals 60 years ago, the party conceded defeat in a major election, for governor of the state of Baja California Norte. Not only that, but the ruling party may soon acknowledge a possible second defeat, in elections for the Michoacán state legislature.

President Carlos Salinas de Gortari thus improves the credibility of his impressive program of reforms from above by opening the possibility of opposition success from below.

In his seven months in office, Mr. Salinas has jailed corrupt union leaders and financiers, cracked down on major drug traffickers and moved to prosecute a former security official accused of arranging the murder in 1984 of Mexico's leading journalist. Now, Mr. Salinas embarks on what may be his toughest challenge: preparing his party and his country for a future of democratic pluralism.

Opposition parties have occasionally elected representatives to city halls state legislatures and the national Congress. But until this week, PRI candidates were automatically declared the winners of every presidential and gubernatorial election, regardless of vote totals. A process known as "alchemy" transformed losing numbers into golden victories.

PRI traditionalists have cited their party's perfect record as a sign of the stability and popular legitimacy of their rule. But the growing odor of fraud in fact fostered instability. And in the context of the powerful democratic trend elsewhere in Latin America, Mexico's backward ways had become an embarrassment.

Even the boldest reforms are devalued when regimes rig the rules against real opposition. Mr. Salinas knows that. His vision and his courage deserve U.S. applause and support.

[From the Washington Post, July 8, 1989]

MEXICAN DEMOCRACY

Mexico's government is keeping that promise about the integrity of ballot boxes. Having won every gubernatorial election for 60 years until last Sunday, the dominant Institutional Revolutionary Party—the PRI—now acknowledges that it has lost one. In the past, the PRI never hesitated to resort to the most blatant fraud when persuasion and patronage weren't sufficient to guarantee a victory. This week, in the state of Baja California Norte, it broke that tradition and conceded that its conservative rival has won the governorship.

Mexico is a remarkable case of an authoritarian state going through a genuine and sweeping process of reform imposed from the top. It began earlier in this decade under President Miguel de la Madrid, and it is now being broadened and accelerated by his successor, President Carlos Salinas de Gortari. They recognized that Mexico is no longer a backward nation of peasants who can be ruled by a few wealthy and ruthless men. As the country has developed, they saw, it is the political system that has become backward and a drag on the rapid growth that Mexico, with a young and rapidly growing population, urgently needs.

It will take steady nerves and a bit of luck to carry these reforms through. Much of the PRI still prefers the comfortable, corrupt old ways of doing things. The transition from one-party rule to democracy is always perilous, with a chorus of naysayers shrieking that it will all lead to chaos.

But the leadership of the PRI decreed a straight count of the vote in Baja California Norte and made that decision stick. It's not an isolated example. In the state of Sonora, prosecutors are currently going after fraud carried out by the PRI in last year's elections.

As the Mexican system used to work, the government protected industries and made them profitable despite their inefficiency. The industrialists returned the favor by supplying the funds that kept the PRI in power. It was a formula that made a few

people very rich and kept most of the country very poor. Over the past generation a rising middle class has begun to challenge it. In the early 1980s, the government started to open the economy up. It dropped many of its protectionist habits. In a dramatic turnabout, it has begun inviting foreign investment in. Mexico is on its way to becoming a fully competitive economy. But a competitive economy requires a competitive political system to govern it. That's the significance of the latest returns.

Mr. BENTSEN. Mr. President, I oppose punishing Mexico for supposedly refusing to cooperate with the United States in the war on illegal drugs.

While this amendment is nonbinding and while it contains recognition of Mexico's increased cooperation with the United States to control the drug traffic, the tone and the specific findings are excessively critical. Senate approval under these circumstances would be a rebuke to Mexico rather than a reaffirmation of our mutual determination to do better.

The facts confirm what President Reagan and now President Bush have certified—that Mexico has made extraordinary efforts to work with us against this common enemy.

To try to condemn Mexico in spite of these facts would be bad foreign policy and bad drug control policy.

An unfavorable Senate vote would embarrass President Bush and Mexican President Salinas; it could destroy the cooperative relationship we have with Mexico on drug matters; and it could provoke troubles which might well exacerbate the Latin debt crisis and lead to a new influx of illegal immigrants.

What are the facts?

In the past year, according to the President's certification report, Mexico has expanded the scope and efficiency of its opium and marijuana eradication programs.

From that start, President Salinas has made antinarcotics programs a top national priority and has backed his commitment with scarce financial resources. He deserves an opportunity to prove his mettle in this fight. Already he has increased the drug control budget by 174 percent to a record $53.9 million. He has created a new 1,200—man antinarcotics force under the attorney general and has added 344 new drug prosecutors.

Sixty percent of Mexico's justice department budget goes for the war on drugs.

One-fourth of the Army regularly engage in eradication programs. Over 20 percent of the Mexican defense budget goes for antinarcotics activities. The comparable figure for the United States is one-tenth of 1 percent, in large part because we are sensitive about giving our Armed Forces any role in domestic law enforcement.

More than 1 year ago Mexico ratified the mutual legal assistance treaty which the United States Government has long sought in order to strengthen procedures for the investigation and prosecution of narcotics-related crimes. Though Mexico has ratified the treaty, this Senate has yet to act. That treaty, by the way, would pave the way toward much of the information sharing sought by this amendment.

Last February 23, the United States and Mexico signed another agreement for increased cooperation against illegal drugs including the creation of a permanent joint commission on cooperation.

Over the past 6 years, at least 48 Mexican drug enforcement agents and 150 soldiers have been killed in the war on drugs.

Despite what has already been accomplished, Mr. President, much more needs to be done. But that is true on both sides of the border.

We haven't done enough to reduce the demand and the supply; Mexico hasn't done enough. But the shortfalls have not occurred because of a lack of Mexican cooperation.

Before we pass judgment on Mexico, let us look in our own backyards—at the bloodstained streets of our Nation's Capital, at the fancy homes built with drug profits on our side of the border, and at United States marijuana production which has tripled in this decade while that in Mexico has remained relatively steady.

This resolution would single out Mexico for additional criticism but would leave unchallenged the President's certification for several other countries which also could do a better job: Bolivia—a poor country with great economic dependence on the drug trade; Colombia—the primary source of marijuana brought into the United States and home of the notorious Medellin cartel; and Pakistan—one of the world's largest producers of opium.

Mexico's record of cooperation is surely as good as or better than that of those countries. What an outrageous injustice it would be to put Mexico on the same level as the handful of nations already on our sanctions list—such as Noriega's Panama, the Ayatollah's Iran, and the Soviet puppet regime in Afghanistan. It is an insult of the first order to lump Mexico with those pariah regimes.

Mr. President, Mexico deserves praise, not punishment, for the extraordinary steps it has taken to solve its problems, not only in narcotics control but also in attacking corruption and in reforming its troubled economy.

Former President de la Madrid took some major steps in reversing the profligacy of his predecessors. He recently told a friend of mine,

You are visiting me in the same home I lived in before I became president. How long has it been since a Mexican President could make such a statement?

Consider the take-charge way President Salinas has acted since taking office last December, as summarized by the Wall Street Journal on March 16:

Since then, he has cracked down on Mexico's strongest labor union and arrested a top financier on stock-fraud charges.

He has shored up his support on the right with a historic political opening to the long-suppressed Catholic Church and on the left with an offer of amnesty for political prisoners. And he has presented an economic reform program that has persuaded Mexican investors to repatriate about $1 billion of capital.

All this, in his first 100 days. All this, despite his bare-majority victory in last year's elections.

It is easy to criticize Mexico for political corruption and bureaucratic inefficiency. President Salinas has recognized those problems and moved against them.

Just imagine the political earthquake here if a newly elected U.S. President arrested one of his own top fundraisers for tax fraud and sent troops to seize the head of a powerful union of government employees which has long been a major power base in his party.

It is even harder to imagine how the United States would have coped with the economic austerity which Mexico has tolerated for the past 6 years—as per capita GDP fell by 16 percent. That means a reduction of its standard of living by 40 percent as the Government enacted tough economic reductions of expenditures.

Mexico has undertaken economic reforms in recent years which make our own efforts meager by comparison. While our budget deficits were doubling, Mexico was cutting its in half.

While United States Federal spending has remained right around 22 to 23 percent of GNP, Mexico, since 1982, has slashed its public sector expenditures by one-third, from 44 to 30 percent of GDP.

While we have agonized year by year over how to eliminate a budget deficit amounting to about 5 percent of GNP, Mexico has already cut its deficits by nearly twice as much, from over 18 percent of GDP to under 10 percent.

One of the most important reforms has been the privatizing of enterprises previously run by the Mexican Government. Six years ago, Mexico had more than 1,100 state-owned firms; today the number is below 400 and still dropping.

This movement toward a more market-oriented economy has been accompanied by reduced corporate taxes as well as cuts in subsidies, social services, and the size of the bureaucracy.

In addition, Mexico has moved in the past decade from one of the most protected economies to one much

more open. Non-tariff barriers have been greatly reduced—though we've had some recent problems selling our hogs—and average tariffs have been slashed from 45 to 10 percent, the lowest in Latin America.

Mexico has been able to accomplish these dramatic reforms in spite of the economic and social pressures of the collapse of oil prices, an ever-growing population, a heavy foreign debt burden, and much stronger domestic political opposition groups.

But there are limits to what can be achieved, as we saw when Venezuelans rioted to protest their own government's more modest austerity plans. There are also limits to how much Mexico—or any economy—can grow when it is saddled by interest payments abroad that eat up 5 percent of its total GDP each year.

Mexico needs help if it is to succeed in these far-reaching reforms, not the back of our hand.

It does not deserve this slap-in-the-face resolution.

If we now vote to condemn them because of alleged shortcomings in cooperation on drugs, we risk undermining all the progress of recent years.

The Senate did not act to reject the President's certification of Mexican drug control cooperation earlier this year, We should not now approve this back-door measure to convey the same message.

For if Mexico concludes that we are bent on criticizing and punishing their impressive through insufficient action. I wonder whether a chastized Mexican Government would continue to accept our drug-fighting funds and our involvement in their drug control activities.

If this misguided measures wins, I would anticipate a subsequent effort to force the United States to vote against loans to Mexico by international development banks. That would knock the props out from under their tough, new president and from his coordinated economic recovery program.

If we start punishing Mexico because of drugs, we risk punishing ourselves even more. A weakened Mexican economy may well mean fewer jobs in the United States as well, and more failed banks in the United States, and more illegal immigrants to the United States.

Reductions in international aid flows translates directly into slower economic growth in Mexico. And we have a very recent test case of the consequences that could hit our own economy. When Mexico began its austerity program in 1982, thousands of peasants abandoned their farms and flocked to the big cities, or across the border into Texas and other States. At the same time, our exports to Mexico plunged by one-half, costing an estimated 227,000 United States jobs.

Private lending—so crucial to resolving the Latin debt crisis—might also be discouraged if our official policy becomes one of punishing Mexico because of drugs.

In other words, this resolution could trigger a downward spiral of unwanted and unintended consequences which hurts Americans far more than Mexicans.

On the other hand, we can move toward a better, brighter day, with new jobs created on both sides of the border and United States exports to Mexico increased, if President Salinas can sustain the reforms he has launched and if the United States works to be part of the solution.

Mr. President, I believe that Mexico has been cooperating with the United States on a broad range of issues, including narcotics control.

I hope that our nations will continue and expand such cooperation, and I believe that the chances for that result are far greater if we do not approve this resolution.

We should resist the political temptation to criticize our southern neighbor for shortcomings we ourselves have in abundance. We should avoid actions that seem likely to hurt ourselves more than they help.

Mr. PELL. Mr. President, I move to table the amendment of the Senator from Arizona.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The yeas and nays are ordered on the motion to table.

The question is on agreeing to the motion to table the amendment of the Senator from Arizona [Mr. DECONCINI].

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illiness.

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

The result was announced—yeas 37, nays 62, as follows:

[Rollcall Vote No. 125 Leg.]

YEAS—37

Bentsen	Gorton	Moynihan
Bingaman	Hatfield	Packwood
Bond	Jeffords	Pell
Boren	Johnston	Riegle
Boschwitz	Kassebaum	Robb
Bradley	Kennedy	Roth
Bumpers	Kerrey	Sarbanes
Chafee	Kerry	Sasser
Cranston	Kohl	Simpson
Danforth	Leahy	Warner
Dodd	Lugar	Wirth
Durenberger	McCain	
Glenn	Mitchell	

NAYS—62

Adams	Bryan	Cochran
Armstrong	Burdick	Cohen
Baucus	Burns	Conrad
Biden	Byrd	D'Amato
Breaux	Coats	Daschle
DeConcini	Helms	Nunn
Dixon	Hollings	Pressler
Dole	Humphrey	Pryor
Domenici	Inouye	Reid
Exon	Kasten	Rockefeller
Ford	Lautenberg	Rudman
Fowler	Levin	Sanford
Garn	Lieberman	Shelby
Gore	Lott	Simon
Graham	Mack	Specter
Gramm	McClure	Stevens
Grassley	McConnell	Symms
Harkin	Metzenbaum	Thurmond
Hatch	Mikulski	Wallop
Heflin	Murkowski	Wilson
Heinz	Nickles	

NOT VOTING—1

Matsunaga

So, the motion to lay on the table amendment No. 303 was rejected.

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the motion was rejected.

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 304, AS MODIFIED

The PRESIDING OFFICER. The question now occurs on the second-degree amendment of the Senator from North Carolina [Mr. HELMS]. The yeas and nays have been ordered.

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

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll.

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

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

The pending business is the yeas and nays have been ordered on the second-degree amendment of the Senator from North Carolina.

Mr. HELMS. Mr. President, that depends on the wishes of the leadership. If we can have a voice vote in favor of the amendment, that would be fine. If not, we will have a rollcall vote.

Mr. President, having the understanding that I will know how the vote will come out, I ask unanimous consent that the order for the yeas and nays be vitiated.

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

The question is on agreeing to the amendment of the Senator from North Carolina [Mr. HELMS], as modified.

The amendment (No. 304), as modified, was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment, as modified, was agreed to.

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 303, AS AMENDED

The PRESIDING OFFICER. The question now occurs on agreeing to the first-degree amendment of the Senator from Arizona [Mr. DECONCINI], as amended.

The amendment (No. 303), as amended, was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment, as amended, was agreed to.

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

The motion to lay on the table was agreed to.

Mr. HEINZ. Mr. President, I understand the pending business to be the Heinz amendment, is that correct?

The PRESIDING OFFICER. The Chair would state that the pending business is the Grassley amendment to the Helms amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEINZ. 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. HEINZ. Mr. President, I ask unanimous consent that the pending amendment be laid aside so that I might offer an amendment.

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

AMENDMENT NO. 305

(Purpose: To express the sense of the Senate on the agreement to be signed between the Government of the United States and the Government of the Republic of Korea to co-produce the "Korean fighter Program" (KFP))

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. HEINZ], for himself, Mr. DIXON, Mr. BYRD, Mr. D'AMATO, Mr. FORD, Mr. BOREN, Mr. HELMS, Mr. SHELBY, and Mr. CONRAD, proposes an amendment numbered 305.

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

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

The amendment is as follows:

On page 145, after line 22, add the following new section:

SEC. 915. POLICY TOWARD COPRODUCTION OF KOREAN FIGHTER PROGRAM.

(a) FINDINGS.—The Congress finds that—

(1) the United States has a large trade deficit with the Republic of Korea, more than $10 billion in 1988;

(2) the Government of the Republic of Korea has pledged to do its utmost to take appropriate measures to open its markets to United States industries in an effort to reduce its trade surplus wht the United States;

(3) the Government of the Republic of Korea has indicated that its intent in entering into the coproduction of the "Korean Fighter Program" is not simply related to national security considerations, but also includes acquiring United States aerospace technology in order to develop an indigneous aerospace capability;

(4) the "Korean Fighter Program's" impact on the United States industrial base needs to be fully understood; and

(5) the United States Government's interagency coordinating and negotiating process must take into consideration United States economic security concerns.

(b) PRINCIPLES FOR NEGOTIATION.—The President shall ensure that—

(1) offset provisions are not included in any memorandum of understanding governing the proposed coproduction by the United States and the Republic of Korea of the "Korea Fighter Program"; and

(2) any agreement shall preclude the transfer to the Republic of Korea's commercial aerospace industry of United States aerospace technology and applied technology derived from the "Korea Fighter Program".

(c) POLICY TOWARD MOU.—It is the sense of the Senate that the President should instruct the Secretary of Defense not to sign any government-to-government memorandum of understanding regarding the Korean Fighter Program until—

(1) a thorough review of the "Korean Fighter Program" is conducted by the Comptroller General of the United States in consultation with appropriate officials pursuant to sections 824 and 825 of the National Defense Authorization Act for Fiscal Year 1989 (Public Law 100-456); and

(2) a report is submitted within 60 days of the adoption of this resolution to the chairmen of the Committees on Foreign Relations and Armed Services describing and analyzing—

(A) any effects of the "Korean Fighter Program" on the United States industrial base in light of the Republic of Korea's publicly stated objective to utilize the Program to develop an indigenous commercial aerospace industry;

(B) the effects of the "offset" provisions of the proposed "Korean Fighter Program" on the United States trade deficit with the Republic of Korea and any detrimental effects on United States or third country suppliers; and

(C) the extent of implementation of the United States Government's interagency coordinating and consulting process as called for in sections 824 and 825 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456), and any negative or positive aspects thereof.

On page 5, in the table of contents, after the item relating to section 914, add the following new item:

"Sec. 915. Policy toward coproduction of Korean fighter program.".

Mr. HEINZ. Mr. President, I send this amendment to the desk on behalf of myself, my principal cosponsor, Senator DIXON, and also on behalf of Senator BYRD, Senator D'AMATO, Senator FORD, Senator BOREN, Senator HELMS, Senator SHELBY, and Senator CONRAD.

This amendment, Mr. President, is essentially the legislation that Senator DIXON and I and others introduced on Monday having to do with the way that this Government should handle memorandums of understanding between this country and other countries.

And, most specifically, with reference to the so-called Korea Fighter Program [KFP] which I have dubbed "Son of FSX."

We are all familiar in this body with the controversy that surrounded the FSX. It was a situation in which a memorandum of understanding had been negotiated by the previous administration, the Reagan administration. Many of us had grave reservations about it. But, it was a done deal.

Notwithstanding that, many of us made an effort to persuade President Bush to reopen the FSX MOU. He did. He solved some, but not all, of the problems. In the case of the Korean Fighter Program, it is not, happily, a done deal. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. KERRY). The Senate will come to order.

Mr. HEINZ. Mr. President, there is in Washington this week a delegation from Korea seeking to negotiate a memorandum of understanding on the United States-Korea Fighter Program. What I find particularly troublesome, however, about these negotiations, is not only that the Korean Government and its defense ministry make no bones about why they want the United States to enter into this deal. The Koreans seek United States assistance to produce and to learn how to produce the KFP with United States technology and know-how. They have been very clear about this objective: making an arrangement, a deal to coproduce in Korea an advanced fighter aircraft. They have not selected the basic model yet—either General Dynamics' F-16 or McDonnell Douglas' F-18. But, they intend to learn how to become a major manufacturing center in international aerospace competition.

My view on that, Mr. President, is that if Korea wants to become a player in international aerospace competition, that is their decision. But our Government and United States aerospace industry should not be in the business of assisting them in becoming our competitors. The Republic of Korea has a $10 billion trade surplus with this country. Korea narrowly escaped being targeted under section 301 of the Trade Act for a series of trade-distorting practices. For us to assist them in their attempt to dominate another U.S. industry would, to say the least, send the wrong message.

The message would say that we are willing to acquiesce—notwithstanding Korea's surplus and notwithstanding Korea's unfair trade practices—in helping them to move ahead of the United States.

Remember, Mr. President, this is a nation that we help to a very considerable extent, both materially and financially, and by the presence of our troops on the 39th parallel.

But even more troubling than that, Mr. President, is the fact that this agreement includes something called an offset. What is an offset? An offset occurs when someone in this country sells either products or services to another country and accepts as a condition of that sale by this country, and purchase by the other, that we in this country, either as a business or as a government, obligate ourselves to offset the benefit of that transaction by purchasing some amount back. It does not necessarily have to be the same product, or a related product, but some amount back. The amount could range from 60 to 70 percent, which is what Korea wants, to more than 100 percent of the value.

It is the offset component of this deal that troubles me. Originally, the Koreans wanted a 100-percent offset. That is to say, if we sold them, as the United States-Korea MOU contemplates, some $1.8 million to $3 billion worth of goods and technology, then we would have to purchase from, Samsung, the Korean contractor, the same amount, $1.8 billion to $3 billion.

The effect of that on our budget deficit with Korea, currently $10 billion as I mentioned a minute ago, would, of course, be zero.

The other problem with offsets, Mr. President, is that they are inherently trade distorting. By making that kind of arrangement you cut other suppliers out; namely, suppliers in this country in the case of the offset I have described. But it could also be suppliers in third countries.

We, obviously, are going to care more about our own firms. But these offsets, Mr. President, are in my judgment always suspect.

There may be a justification for them once in a while, but, as a general rule, you cannot defend them as good trade practice. In this case, the KFP certainly offsets, in another sense of that word, any benefit to this country in reducing our merchandise trade deficit.

So, what the amendment of Senator DIXON and myself and our cosponsors says is this. First, we in effect say no more secrecy on this kind of memorandum of understanding. We need the administration to consult and to cooperate with the Congress. That is how we can head off the kinds of confrontations we had on the FSX, and may still have, I may add, on the Byrd-Dixon amendment. We in Congress are necessarily concerned about U.S. national and economic security of this country, and for those who wonder whether we should be concerned about it, it is a fact that the Constitution gives the power to regulate interstate and foreign commerce not to the executive branch, but explicitly to the Congress.

I might, in that connection, bring up another troublesome aspect of these negotiations. I have recently learned that the Department of Defense has been studying the impact of the Korean Fighter Program on the United States industrial base and aerospace industry, and that is good. They should be studying it.

The studies are in draft form. They are not yet approved by the Defense Department, but even so the Department of Defense told my staff within the last 24 hours that it, the Defense Department, will not share these studies with the Congress because they are classified. That is to say they are secret, as far as DOD is concerned. And we will only be allowed to read them when Congress is officially notified of the program about a year from now, after it is a done deal.

Mr. President, I do not understand that position. I do not think any of our colleagues can understand that. What is driving this Senator and my colleagues to raise this issue now is that we do not want to be presented with a fait accompli, a done deal.

Second, we do not want offsets with other countries, particularly where we have a huge trade deficit and where there is great evidence of serious unfair trading practices with such countries. Korea is certainly in that category. If you ask me, they are passing up a very good opportunity to make good on their word by not insisting on an offset and being more cooperative in reducing the trade deficit that we have with them and the surplus they enjoy with us.

So, Mr. President, I hope my colleagues will join Senator DIXON and our cosponsors in supporting this amendment.

I am pleased at this point to yield the floor and hope that my colleague from Illinois is recognized.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, I will be very brief. I understand the distinguished managers have agreed to take this amendment. I want to express my personal appreciation to the distinguished chairman of the committee for his accommodation. I want to thank the ranking member who, over the years, particularly on this issue, has been so very accommodating to this Senator.

I fully support this amendment by my colleague from Pennsylvania. The amendment is very similar to the Senate Resolution 154, which we submitted on Monday.

In the proposed Korean fighter sale, the transfer of this Nation's manufacturing technology is all one way—from the United States to Korea. Before an agreement is signed, we need to assess the effect of this sale on our defense industrial base. We also need interagency coordination and consulting to analyze the sale, as required by last year's Department of Defense authorization legislation.

The cost of this proposal is between $1.8 and $3.0 billion. Korea had wanted offsets for 60 percent of the total cost. However, I now understand that the percentage of offset has been lowered to 30 percent. I like to think that congressional pressure is the cause of the change. I applaud the reduction, but I want to make it clear that 30 percent is still too much. We do not want a program that requires any buy-back of spare parts and the like.

We must not forget that this Nation had a $10 billion trade deficit with Korea last year. Korea barely avoided being listed under 301 provisions. Korea has never lived up to a military licensing agreement. I continue to think that the best agreement would be for Korea to buy United States aircraft off-the-shelf—that is the most effective for them, and it is clearly what makes sense for us.

We must ensure that United States aerospace technology is not just given away so that the Koreans can use their military program to develop a major civilian aerospace industry—their stated national goal. Any agreement reached must be in both our economic and national security interests. Understanding the ramifications of such an agreement will require the assessments this provision calls for. This amendment gives us a chance to send a message to both the Koreans and the administration that Congress intends to watch these negotiations very closely, and that Congress simply will not accept another sale that is not in our long-term economic and national security interests. I urge the Senate to make its voice heard. This is the time we can make a difference; this is the time to act.

Mr. President, I ask unanimous consent that my colleague, the junior Senator from Nevada, Senator BRYAN, be added as a cosponsor.

I think there is no necessity for a rollcall vote.

Mr. BYRD. Mr. President, I am pleased to rise as a cosponsor of this amendment. I want to compliment the author for anticipating a contentious issue and taking steps which will, hopefully, diffuse many potential problems. I fully support his effort to avoid a repeat of the circumstances surrounding the FSX deal with Japan,

where Congress was presented with a completed agreement in a "take it, or leave it" situation. Congressional actions on the Korean Fighter Program and the Japanese FSX are not meant to encroach on the President's authority to conduct foreign policy; our intention is to ensure that American economic and commercial interests are given proper consideration. Arms negotiations have been based solely on a narrow DOD perspective for far too long. We can no longer ignore the profound effect these agreements have on America's ability to compete and survive in world markets.

These memoranda of understanding are too important for Congress to be kept in the dark until their completion. The Constitution makes Congress responsible for regulating foreign commerce. Arms sales and coproduction arrangements must be approved by Congress. In order to accomplish these tasks, we must stay informed. It does no good for the Defense Department to negotiate an agreement which Congress cannot support. Whether or not such an agreement eventually passes, as with the FSX, it becomes a source of conflict and division within the Congress, between the Congress and the President, and between the United States and a trusted ally.

With the Korean Fighter Program no agreement has been finalized. This will lead some to say it is premature to criticize specific provisions. But it is precisely because nothing is yet carved in stone that makes this the most propitious time for congressional comment. We would be remiss in our duties if we allowed this agreement to proceed without voicing our opinions. We do not know the details, but we do know some of the issues. And the issues are indeed important.

We are negotiating a deal to sell fighter aircraft to a country which ran a $10 billion trade surplus with the United States in 1988. This same country avoided targeted negotiations under Super 301 by promising to open its markets and to search for other ways to reduce the trade imbalance. This was a very welcome and encouraging development. Despite this obvious opportunity to address the trade problem, the Koreans are insisting on, and our negotiators are acquiescing to, a huge offset provision in the fighter deal. Under this provision the American firm which wins the contract will be required to turn around and buy Korean products to "offset" some part of the contract value. Mr. President, I find that bizarre. Can it be reasonable for the Koreans, who have the chance to reduce the trade imbalance by as much as $3 billion, to insist on erasing a large part of that reduction? I would think Korea would welcome an opportunity to diffuse the trade deficit issue in connection with this military arrangement. More to the point, I just cannot fathom the Defense Department's willingness to agree to this so-called offset provision despite the strong reservations expressed by Congress in the 1989 Defense Authorization Act.

Perhaps this is not such a bizarre situation when viewed in light of statements made by Korean officials. As my able colleagues have already pointed out, it is the aim of the Korean Government to build a competitive aerospace industry. They want to become "an aerospace manufacturing center of the world." Can they? Will this deal help them? Will it hurt U.S. manufacturers? I do not know, but I certainly want to find out before we sign on the dotted line. The GAO review included in this amendment is designed to help all of us answer these questions. The Defense Department justification, presented in a short, slick, simple noninformation sheet, is insufficient to evaluate the advisability of this project. The actions of U.S. industry also provide little insight. Our companies are being portrayed as in a mad scramble to outbid each other by offering up U.S. technology in the hopes of achieving short-term gain. This is a pattern we have seen too often and one we cannot afford to repeat. Just last week this headline appeared in the Washington Post, "High Tech Firms Rethinking Foreign Ties: U.S. Companies Worry that Partners May Become Competitors Later." Well Mr. President, I worry too, especially when the U.S. Government is involved in creating those competitors.

Whatever we find out about the Korean Fighter Program, and I am not prejudging this deal, it is very important for us to prevent the sort of acrimonious dispute that marked the debate over the FSX Program with Japan. One way to accomplish this is by staying informed, and by making our opinions known early in the negotiation process. That is exactly what Senators HEINZ and DIXON have designed this amendment to do, and I am pleased to join with them in this effort.

Mr. President, I ask unanimous consent the Washington Post article to which I referred be printed in the RECORD.

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

HIGH-TECH FIRMS RETHINKING FOREIGN TIES—U.S. COMPANIES WORRY THAT PARTNERS MAY BECOME COMPETITORS LATER

(By Ronald Rosenberg)

When Intel Corp. sought additional production sources in the 1970s for its microprocessor chips, it turned to NEC Corp. of Japan.

Gordon Moore, Intel chairman and cofounder recently looked back on that decision and declared it shortsighted.

"It was good for Intel bad for the national interest," said Moore. "I don't think we understood what we were doing at the time."

When 3Com Corp. of Santa Clara, Calif., acquired Bridge Communications of Mountain View, Calif., the diversified South Korean conglomerate Hyundai was about to make some key electronic parts for Bridge's communications products. William Kraus, 3Com's chairman, quickly canceled the deal.

His reason: Hyundai might take the technology and begin competing against 3Com in the United States.

Increasingly, U.S. computer equipment and chip manufacturers are thinking twice about building state-of-the-art products overseas with foreign partners who might use the technology and become their competitors.

"We are bleeding our technology" away to foreign competitors, worries Jack Clifford, director of the Commerce Department's Office of Microelectronics & Instrumentation in Washington.

Clifford recalls how history is repeating itself. Nearly 25 years ago, Sears Roebuck and Co. and Montgomery Ward & Co. Inc. turned over television production to the Japanese, who built sets to U.S. specifications—a strategy that effectively transferred some key television manufacturing technology to the Orient and eventually led the Japanese to dominate the consumer electronics industry.

Nearly four years ago, Micron Technology, a small U.S. chipmaker, turned to a South Korean company to build computer memory chips, only to have the overseas manufacturer turn around and build identical memory chips under its own name using identical designs and infringing on Micron's patents.

Currently, industry observers are nervously watching Chips and Technology Inc. of San Jose, Calif., and MIPS Computer Systems Inc. of Sunnyvale, Calif. Both firms turned to diversified Japanese electronics companies to build their latest computer-on-a-chip sets.

U.S. chipmakers, Clifford says, give away critical American technology to foreigners as part of joint development and production arrangements. Often, they do it naively, not realizing the consequences until the overseas partner suddenly becomes a competitor.

If the United States wants to retain its thin lead in technology, it must rethink its foreign manufacturing relationships, say a growing cadre of government, academic and industrial leaders.

At issue is economic survival in a fast-moving global economy where both Japanese and European conglomerates are stalking innovative U.S. companies.

One major Japanese steel company is ready to spend more than $2 billion over the next decade to help American startup companies with leading technologies. Its eagerness is just one example of a tide of foreign funders looking for high-tech targets in the United States—a trend caused largely by strong foreign currencies and a weak dollar that makes buying into U.S. companies very attractive.

Their overtures are all but irresistible to entrepreneurs in particular—who are attracted to long-term relationship deals that often include overseas production, access to foreign markets and low-cost financing in exchange for minority ownership.

The net result, say government and academic leaders, is a continuing erosion of the

U.S. semiconductor industry and, most recently, the computer industry.

"The U.S. is becoming a public service organization for worldwide industries: We innovate but others copy and capture the markets," says Charles H. Ferguson, a professor at the Massachusetts Institute of Technology's Center for Technology, Policy and Industrial Development.

But others counter that in a world economy, U.S. firms have no choice but to work with European and Japanese companies. Moreover, large foreign companies often provide higher-quality production than their American counterparts. Major U.S. manufacturers also don't like to cooperate with small companies, often viewing them as competitive threats—a strategy that plays into the hands of foreign firms that jump at the chance to work with emerging companies.

"Are the Japanese companies seeing something that the U.S. firms are not seeing or view as less valuable? That is often the question," said Richard K. Lester, executive director of the MIT Commission on Industrial Productivity that recently released "Made in America."

That report on how the United States should regain its productivity edge cites how innovative startup companies sell their technology to Asian competitors and provide market knowledge and even direct assistance. By comparison, large American firms are more circumspect about proprietary information.

Lester says the problem is not whether a Japanese company is buying into an American startup, but rather why large U.S. computer makers don't see similar opportunities.

"Foreign ownership of our high-technology companies is not a critical issue compared to where the design capability resides," argues Gordon Bell, vice president of research and development at Ardent Computer Corp. in Sunnyvale, Calif., who spent 23 years at Digital Equipment Corp. and pioneered the development of minicomputers.

Comparing manufacturing strategies of Ardent and its chief competitor, Stellar Computer Corp. of Newton, Mass., reveals how far some foreign firms are willing to go to gain access to U.S. technology products and companies.

Both Ardent and Stellar are developers of supercomputer workstations, Stellar manufactures its systems under a contract with Texas Instruments Inc. in Johnson City, Tenn.

"We save a lot of money without having to build a plant and staff it under this arrangement. Plus, as a U.S. manufacturer we are eligible for government-related contracts, particularly classified military programs," said Ian Edmonds, a cofounder of Stellar and vice president of marketing.

Ardent, by contrast, struck a deal with Kubota, a 100-year-old Japanese tractor company that wanted to diversify into electronics. To get Ardent's business, Kubota has spent $40 million on its American venture for a nearly 40 percent equity stake. It also agreed to build a new Japanese production facility for Ardent and market the equipment in Japan, according to Bell.

"We're getting five times the manufacturing quality of a Sun workstation," boasted Ardent's Bell at a Washington conference on U.S. computer industry competitiveness in May. "We [the U.S. companies] can't manufacture worth a damn.

Bell insists there is no technology transfer since Ardent controls the design of its products and had no U.S. manufacturing expertise.

"The bottom line is that U.S. high-tech loss would not have happened if we, as a nation, were more attuned to the manufacturing problems in the first place. We just don't have high-quality production compared to the Japanese."

At Stellar, Edmonds insists Ardent traded away much of its autonomy under the Kubota deal. But if Stellar had not found such a good contract with Texas Instruments, it too would have looked for overseas production, he added.

"No individual company would resist going overseas if they had a good deal, even though many of them know they are exporting technology to Japan," said Edmonds. "Most U.S. companies are motivated first by profits and will only change if there are federal regulations."

Ironically, while Edmonds would not accept a Kubota-like deal, Stellar's chief financial backer, William Hambrecht, president of Hambrecht & Quist, a San Francisco venture capital firm, said he would consider such an offer. Like Gordon Bell, he does not believe there is any technology transfer under the Kubota-Ardent manufacturing arrangement.

Still, Hambrecht acknowledges that large Japanese companies are looking to gain a foothold in emerging U.S. companies that have new technologies. He said he gets three calls a week from representatives of large Japanese companies looking to form "alliances" with U.S. ventures.

"They want to establish long-term relationships and have the staying power," said Hambrecht. "They seal their deals with equity money—usually 5 to 10 percent of a company—no more. They don't want to take over companies."

Bill Kraus, who is both chairman of 3Com and the American Electronics Association, acknowledges that the Japanese are "seriously eating their way up the food chain," referring to the 1960s when they supplied materials, then electronic components, semiconductor production equipment and now both personal and very large computers.

"Twenty years from now," warns Kraus, "your children will be dishwashers in sushi bars."

THE PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, on this side we have had an opportunity to look over this amendment. We think it is a good amendment and intend to recommend its passage to our colleagues.

THE PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Might I inquire of the chairman of the committee, what is the administration's position on this amendment?

Mr. HEINZ. May I respond to the Senator?

Mr. SYMMS. I would be happy to have my colleague respond.

Mr. HEINZ. On Monday when Senator DIXON and I introduced the bill, we called the Department of Defense, the Deputy Secretary's office and the White House, Fred McClure's shop, to ascertain if there was any specific objection of an urgent nature. We told them what our plans were. We told them I might well offer this as an amendment to this legislation.

I have to tell you that in spite of repeated calls by my office, both yesterday and today, we have nothing from the administration. When I learned today that the position of the Department of Defense was going to be that, yes, they will do some impact studies but they are not going to make them available to us until after this is a done deal, I decided that this is no time to sit idly by unless we in Congress want to yield our prerogative to the executive branch.

I have made every effort to determine if the administration has a position.

Mr. SYMMS. Mr. President, if I might just continue, I have to confess to my colleagues that I am probably like most of the Senators in this Chamber who have not really examined the coproduction proposition with our good friends and allies, the South Koreans, that is proposed here. What does this amendment state?

Mr. HEINZ. Mr. President, the Senator asks a fair question, and I would like to respond to him.

This amendment does not prevent any negotiation of a memorandum of understanding. It simply says that before the Government may enter into such a memorandum of understanding that the General Accounting Office has some 60 days to make an examination and then report to us on the extent to which this is going to impact our industrial base, the extent to which the offset provisions have positive or negative effects, and the extent to which sections 824 and 825 of the National Defense Authorization Act are being followed.

Mr. SYMMS. I take it, then, the intent is to try to avoid what the Senator felt was not a good deal on the FSX.

Mr. HEINZ. That is right.

Mr. SYMMS. On the other side of that, I just want to say I do not consider myself enough of an expert to intervene with what my colleagues are trying to do here, and I have the highest esteem for my colleagues who are offering this amendment. But it appears to me that an amendment of this importance really should have some hearings and let the administration speak on it. After all, it is the President who was elected to conduct our foreign policy, and the Senate was elected to advise and consent. What you are trying to do is put the cart ahead of the horse. That is my view as a Senator.

If the Senator did not like the FSX deal, I think we had an opportunity to vote against it. The President thought it was a good deal for the United States. What the Senator is trying to do then is to say you make it more dif-

ficult to do the same thing with our friends in South Korea.

Mr. HEINZ. Mr. President, if the Senator will yield.

Mr. SYMMS. I yield.

Mr. HEINZ. I would not put that interpretation on what we are doing. What we are simply saying is that the administration cannot finalize a memorandum of understanding for a total of 60 days. At the end of 60 days, they can do anything they want. During the 60-day period, we are asking the General Accounting Office to look into three aspects of this particular deal: Its effect on offsets; its effect on our industrial base; and the extent to which the Defense Department is complying with the fiscal 1989 National Defense Authorization Act, sections 824 and 825, which directs them to consult with the Secretary of Commerce on those kinds of questions.

So we are simply saying, in effect to some people who appear to be down in the bowels of the Defense Department, that maybe Dick Cheney and Secretary Baker have never heard of and do not even know what they are doing, let us bring this into the light and make sure that we all understand what it is that is out there. Let us make sure this is not just some kind of basement deal to save the Defense Department a few pennies in the defense budget while we are crippling our industrial base or the aerospace industry in the future. Let us bring the details to light.

Mr. SYMMS. I appreciate what the Senator said and I think I understand what the Senator is talking about.

I might just say here we are on the verge of having a whole new era of aviation. We have developed the Stealth technology in this country, Stealth fighters, Stealth bombers that are already now becoming known to people that we have this capability, a completely new leading edge technology. That is not the technology that we are talking about here for our friends in South Korea to help coproduce an aircraft for their own defense.

I think the Senator would agree that the South Koreans are one country in this world that lives on a border with a country that if the dictator of that country decides he wants to go to war tomorrow morning, there is no one to counter his decision, and they can do it. And that is North Korea, Kim Il-song. It is a hard, tough dictatorship that does pose a threat to the peace and freedom of the people in South Korea.

I guess my opposition to this proposition on the surface is I do not believe we should be doing things here that discourage our good friends from South Korea. We hear about burden sharing. I think we should be encouraging them to help with their own defenses so that they are strong.

Mr. DIXON. Will my friend from Idaho yield for a moment?

Mr. SYMMS. I will be happy to yield.

Mr. DIXON. May I say to my friend from Idaho, does he understand this is a sense-of-the-Senate resolution? It is not binding.

Mr. SYMMS. It is a sense of the Senate?

Mr. DIXON. Yes; it is a not a formal resolution to be debated heatedly for many days as the FSX resolution.

May I say further to my colleague, we have bipartisan sponsorship on both sides, including the distinguished ranking member. We have been discussing this all day long and part of yesterday. I did talk to Dick Cheney at one time yesterday about this issue. I do not believe there is anything secretive about it. I do not believe there is anything harmful about it. In time, maybe we will get to the question where we will debate this. I do not think it is necessary to do it at this time. I assure my colleague I do not think it does any harm.

Mr. SYMMS. I thank my colleague. I think I made my point: as long as we are not doing anything that will be binding at this time, then it will give other Senators an opportunity to examine this issue.

I know some of my colleagues have been very active on this issue. Some of us disagreed on the FSX which I think is certainly every Senator's right, and I respect that right. But I do think we need to be not so concerned.

I will just say in closing that I am not concerned about the United States of America not being able to lead the world in the cutting edge of modern technology if we will just be optimistic and look to the future and go to the future as our charge should be, I think. If we do that, I think we will find that we will always be ahead. We were first to the Moon and, hopefully, we will go back and go on further and be able to lead this world in modern aviation and not have to fear competition from some of our best trading partners in the world.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 305) was agreed to.

Mr. DIXON. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 306

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

The PRESIDING OFFICER. Does the Senator from Rhode Island wish to lay aside the pending amendments?

Mr. PELL. I ask unanimous consent to lay aside the pending amendments.

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

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. PELL], for Mr. BRADLEY, proposes an amendment numbered 306.

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

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

The amendment is as follows:

Insert after section 914 in S. 1160, the Foreign Relations Authorization Act a new section, entitled "FUTURE OF HONG KONG" or insert as section 910(c), entitled "REPORT ON FUTURE OF HONG KONG".

SEC. .

The Secretary of State shall report to Congress no later than January 1, 1990, about the implications of the June 3-4 crackdown by the Government of the People's Republic of China against prodemocracy demonstrations in Beijing for the reversion of Hong Kong to PRC sovereignty in 1997, and about the way in which the administration intends to work with the United Kingdom, Hong Kong, and our friends and allies in the region to ensure the democratic rights of the people of Hong Kong, and the general political and economic stability of the territory, after such reversion.

Mr. PELL. Mr. President, this is a noncontroversial amendment cleared by both sides.

The concern of the Senate about Hong Kong's future status was expressed last Friday when the Senate passed the China sanctions package. This amendment further asks the Secretary of State to report on the implications of current developments in China for Hong Kong's future.

The reversion of Hong Kong to China's control after 1997 without sufficient safeguards for democratic rights is of considerable concern to all of us.

I would ask unanimous consent to be added to this amendment as a cosponsor.

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

Mr. PELL. I want to add here that this amendment is being offered on behalf of the Senator from New Jersey [Mr. BRADLEY].

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

The amendment (No. 306) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 307

Mr. HELMS. Mr. President, on behalf of the distinguished Senator from Alaska, I submit an amendment and ask for its immediate consideration. It has been cleared by both sides.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

Mr. HELMS. Mr. President, let us consider until we finish these few amendments that the amendments, the pending amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for Mr. STEVENS, proposes an amendment numbered 307.

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:

Amend Title I by inserting the following new section:

SEC. . Agreement between the United States and Canada governing liability for potential oil spills in the Arctic Ocean and international contingency plans.

(a) FINDINGS.—The Congress finds that—

(1) Canada has discovered commercial quantities of oil and gas in the Amalagak of the Northwest Territory;

(2) Canada is currently exploring alternatives for transporting the oil from the Amalagak field to markets in Asia and the Far East;

(3) One of the options the Canadian government is exploring involves transshipment of oil from the Amalagak field across the Beaufort Sea to tankers which would transport the oil overseas;

(4) The tankers would traverse the American Exclusive Economic Zone through the Beaufort Sea into the Chukchi Sea and then through the Bering Straits;

(5) These waters serve as the kitchen table for Alaska's native people providing them with sustenance in the form of walrus, seals, fish, and whales;

(6) The Beaufort and Chukchi Seas provide important habitat for the bowhead whale, the lifeblood of the Eskimo people of Alaska;

(7) An oil spill in the Arctic Ocean, if not properly dealt with, could have significant impacts on the indigenous people of Alaska's North Slope;

(8) The Canadian Arctic Waters Pollution Act limits recovery of damages incurred as a result of offshore exploration or development to $C40 million and does not apply west of 141 degrees latitude;

(9) The Canadian government has entered into an agreement with all companies licensed to drill in the Canadian Beaufort mandating liability to United States' claimants for damages suffered west of 141 degrees latitude, but that liability is limited to $C20 million;

(10) There is no international agreement in effect between the United States and Canada outlining legal liability in the event of an oil spill;

(11) There are no international contingency plans involving our two governments governing containment and clean-up of an oil spill in the Arctic Ocean; and

(12) There is no pool of money immediately available to mitigate the impact of an oil spill or to reimburse the people of the North Slope for any losses they might suffer in the event of an oil spill in Canadian waters or by a Canadian tanker.

(b) NEGOTIATIONS.—The Congress calls upon the Secretary of State of the United States of America and the Foreign Minister of the Republic of Canada to begin negotiations on a treaty dealing with the complex questions of recovery of damages, contingency plans, and coordinated actions in the event of an oil spill in the Arctic Ocean or a tanker accident during the shipment of oil by sea.

(c) REPORT.—The Secretary of State shall report to the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs on his efforts toward this end no later than January 1, 1990.

Mr. HELMS. Mr. President, this amendment, as I said earlier, has been cleared by both sides. It has to do with Alaska oil. Of course, Senator STEVENS has a particular interest in that.

Mr. PELL. Mr. President, this amendment calls upon the Secretary of State and Foreign Minister of Canada to begin negotiations on a treaty to ensure coordinated actions in the event of a future oilspill in the Arctic Ocean or a tanker accident during the shipment of oil by sea.

This amendment, as the Senator from North Carolina just pointed out, has been cleared by both sides. It is an excellent amendment, and I urge its passage.

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

The amendment (No. 307) was agreed to.

Mr. HELMS. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 308

(Purpose: To establish a policy toward human rights abuses in Romania)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL], for Mr. LAUTENBERG, for himself, Mr. PRESSLER, Mr. DECONCINI, Mr. WILSON, and Mr. HELMS, proposes an amendment numbered 308.

Mr. PELL. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the "Miscellaneous" Title of the bill, add the following new section:

SEC. . POLICY TOWARD HUMAN RIGHTS ABUSES IN ROMANIA.

(a) FINDINGS.—The Congress finds that—

(1) human rights abuses in Romania, particularly the abuse of the ethnic Hungarian minority, have increased in the last year;

(2) President Ceausescu is now carrying out his plans to obliterate as many as half of the country's 13,000 rural villages and force the resettlement of the families in agro-industrial centers without proper plumbing facilities;

(3) family homesteads, churches, and synagogues, traditional folk architecture and private sources of scarce food are being systematically destroyed;

(4) the collectivization has had a particularly bad impact on the nation's ethnic minorities, particularly its Hungarian minority, who suffer the loss not only of their homes, but also of their centuries-old ethnic communities because of collectivization;

(5) recent Helsinki Watch report cited Romania's Hungarian minorities as victims of a government campaign to end their separate cultural identity;

(6) tens of thousands of Romanians, predominantly ethnics Hungarians, have fled into neighboring Hungary, because of the persecution in Romania;

(7) in March, in response to the worsening situation in Romania, the United Nations Human Rights Commission voted overwhelmingly to appoint a special rapporteur to investigate the human rights situation there;

(8) even Romania's Warsaw Pact allies refuse to support it on this question;

(9) Hungary cosponsored the United Nations action while the Soviet Union, East Germany, and Bulgaria abstained from voting; France recalled its Ambassador from Romania, and Portugal and Denmark closed their embassies in Romania; and Belgium, Switzerland, and the European Parliament have passed resolutions condemning Romania human rights abuses;

(10) West Germany has cancelled economic meetings with Romania and scientific cooperation programs between the two countries; France recalled its Ambassador from Romania and cancelled a scheduled economic meeting; and Britain, France, and West Germany have frozen all high level government-to-government contacts;

(11) although Congress suspended Most-Favored-Nation trading status for Romania in 1987, the situation has gotten worse;

(12) this past spring, Romanian President Ceausescu announced that Romania has repaid its foreign debt, yet the austerity program shows no sign of abating and the Romanian Government has exported food even as Romanian store shelves have lain bare, at the expense of the Romanian people's well-being; and

(14) the worsening situation, plus the strong reaction of the world community, mean that it is imperative that the United States consider all available policy options to address Romania's continuing human rights abuses.

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

(1) the United States should prohibit the importation into the United States of Romanian meat, meat products, and wine until such time as the Romanian Government ceases to withhold food particularly meat from the Romanian people and improves significantly its domestic human rights records; and that

(2) the United States should vigorously protest, at all international conferences and forums, Romania's human rights abuses and, particularly, its abuses of the ethnic Hungarian minority.

(c) REPORT.—The Secretary of State should make a study of what additional diplomatic and trade sanctions could be imposed on Romania, and should specifically consider, evaluate, and report to the Committee on Foreign Affairs and Appropriations of the House of Representatives and the Committee on Foreign Relations and Appropriations of the Senate within 60 days from the adoption of this resolution on the advisability of taking the following actions:

(A) Instituting a boycott on food exports coming from Romania to the United States.

(B) Prohibiting service of any kind by the Romanian state airline, Tarom, or any aircraft owned or controlled, directly or indirectly, by the Socialist Republic of Romania, except for humanitarian reasons;

(C) calling for continued inquiries by the United Nations and other appropriate international bodies into the status of religious and human rights in Romania, including the sponsorship of resolutions therein on the topic;

(D) Severely limiting the number of Romanian government employees and dependents who can visit the United States for any purpose except to seek political asylum;

(E) Additional restrictions on the importation of products from Romania of any kind, except for opposition political literature or religious articles.

Mr. PELL. Mr. President, this amendment is the culmination of work by Senators LAUTENBERG, PRESSLER, and DECONCINI, who all planned to propose amendments to address the human rights abuses in Romania

This amendment, which I offer on behalf of these three Senators, boils down their respective amendments into a single package. I understand this amendment has been cleared on both sides.

Mr. DECONCINI. Mr. President, together with Senator LAUTENBERG and Senator PRESSLER we have put forward an amendment to require the State Department to review human rights in Romania and to recommend courses of action by the United States Government. I personally feel one course of action should be a ban on United States imports of Romanian meat products until the Romanian regime ceases its policy of withholding food from the Romanian people.

Decades of financial misplanning and inefficient industrial development have led to the dire condition of the Romanian economy, making it the poorest in Europe after Albania.

The Government has implemented a severe austerity program as it has repaid its foreign debts at a swift rate and pursued a drastic modernization program. It has exported food even as Romanian store shelves have lain bare. It has done so at the expense of the Romanian people's well-being.

This past spring, Romanian President Ceausescu announced that Romania has repaid its foreign debt. But the austerity program shows no sign of abating.

Nor does the regime's policy of repression show any softening. Over 20,000 refugees have fled from Romania to Hungary over the past year and a half; others have sought to take refuge in Yugoslavia, and even in Bulgaria.

The six former party leaders who signed a courageous open appeal calling on the Romanian regime to observe its Helsinki commitments and enter into a constructive dialog with the Romanian people remain isolated, under house arrest, and subject to constant interrogations.

Three journalists and a typesetter have been incarcerated since January on suspicion of preparing a critical manifesto. The Romanian Government has rejected all inquiries as to their condition and whereabouts.

Outspoken dissident Doina Cornea remains under house arrest.

Baptist Nestor Popescu languishes in a psychiatric institution despite doctors' reports that he is mentally fit.

The regime continues its policy of assimilating the country's minorities, steadily chipping away at their opportunities to maintain and nurture their cultures.

The United States imports only paltry amounts of Romanian meat. In 1987, the United States imported 16 million dollars' worth of Romanian pork. In 1988, it imported 9.5 million dollars' worth. In the first 3 months of this year, it imported $1.7 million of pork and $430,000 of other meats and meat products.

Yet as long as the Romanian people cannot obtain meat—meat that is raised in their own country—we have no business purchasing it.

Mr. President, a ban on imports of Romanian meat would be a symbolic gesture of solidarity with the beleaguered Romanian people. It would take nothing away from them except, perhaps, a feeling of isolation and hopelessness.

Mr. PRESSLER. Mr. President, this amendment is aimed at the Romanian dictatorship. Like many Senators, I was disgusted recently when Soviet President Gorbachev was photographed embracing and kissing Romania's long-time dictator, Nicholae Ceausescu.

The amendment, which is the product of the combined efforts of Senators LAUTENBERG, DECONCINI, and myself, is aimed at the complete unwillingness of the Romanian regime to move in the direction of improved religious and human rights for its citizens. I must say parenthetically, Mr. President, that when government has the power to grant rights, it also has the power to deprive them. That is why a concept central to our own constitutional development—that our rights come from God—is so basic.

Romania is in the business of tyranny. In the past few years, while Mr. Gorbachev has been running his propaganda campaign to make the West think he is becoming warm and cuddly, Romania's Ceausescu has been going in completely the opposite direction.

The West flirted with Romania in the 1970's. Wishful thinkers were convinced that reform and kindness, along with a more open system, were breaking out in that country. One prominent Romanian defector, Mr. Pacepa, has noted that Mr. Gorbachev probably learned a lesson from Ceausescu about how to wrap the West around his finger.

We have learned much in the recent past about the truth in Romania. Much of the best information came from the outstanding former American Ambassador to Romania, Dr. Funderburk.

We know now that Romania has been helping Libya build its poison gas plant at Rabta. Romania also has been lending Libya chemical weapons.

We know that Romania has literally been selling its citizens to get hard currency—especially Jews and ethnic Germans.

We know now that Romania has been expelling its citizens of Hungarian background in order to eliminate diversity and preclude dissent in that country.

Even more recently, Romania has decided to take further inhuman steps to wipe out village life. The dictatorship will accomplish this by bulldozing rural villages and moving people against their will into urban apartment houses where they can be watched and indoctrinated.

In the process of smashing traditional Romanian culture and life, Mr. President, the number one enemy of the tyranny is religious belief and practice. In addition to destroying villages, the tanks and earthmovers are crushing churches, synagogues, and monasteries.

Certain people can get out of Romania in addition to people of Hungarian background. They are the unwanted potential dissenters and people who are described officially as parasites because they cannot hold their own to create a more prosperous socialist Romania.

While in some ways we can rejoice that the dictator is letting some of his victims out of the country, it is important to recall that nobody leaves the country without Ceausescu's permission. Period.

Our amendment welcomes those who seek political asylum in the United States. But more important, it recalls that most Romanians are held prisoner in their own country—as is the case in the rest of the Communist world.

People who leave are chosen by the government, but what about those who cannot leave—those left behind?

Ceausescu has proposed to build a fence to prevent Romanians from getting out of their country on their own. Believe it or not, even the Helsinki Human Rights Commission took note of this violation of human freedom. There has been some small indication that the Romanian regime may be giving the fence a second thought. The Senate must be crystal clear about our thoughts on this important question.

Mr. President, the United States must do something to express its abhorrence of the illegitimate Communist Romanian regime.

First, the President should report on a regular basis about the practices that have made life in Romania such a horror. This should be easy for him to do, especially since he has positive alternatives. Moreover, it is the right thing to do.

But we must go beyond a report. The amendment lists possible actions the President should take in order to demonstrate United States abhorrence of the abuse of religious rights and human liberty in Romania in the event the situation does not improve.

The President is not required to impose each or any of these provisions. He may find other powerful ways to demonstrate his deep passion for people forced to live under communism. I urge him to be both tough and innovative.

Certainly the provisions listed in the amendment are reasonable—even familiar—to Senators.

I would add that, in addition to encouraging entry of Romanians who seek political exile, the United States should encourage the importation of anti-Ceausescu literature and religious articles before they are destroyed by this corrupt and heartless regime.

I urge adoption of the amendment, and express my gratitude to Senator LAUTENBERG for working with me on it. Senator DECONCINI and Senator WILSON also contributed to the final product, and I thank them, too, for helping to make this fine statement on the human rights situation in Romania.

Mr. LAUTENBERG. Mr. President, this amendment directs that the United States vigorously protest human rights abuses of ethnic Hungarians in Romania at all available international forums and conferences. It expresses the sense of the Congress that the United States should prohibit the importation into the United States of Romanian meat and meat products until such time as the Romanian Government ceases to withhold food from the Romanian people. It also directs the State Department to study and evaluate what trade and diplomatic sanctions could be imposed by the United States on Romania for its continuing human rights abuses, and to report to the Congress within 60 days on which of these possible sanctions makes sense for the United States at this juncture.

As part of that study, it directs the Secretary of State to specifically consider the advisability of taking the following actions: First, instituting a boycott of food exports coming from Romania to the United States; second, prohibiting service of any kind by the Romanian state airline, Tarom, or any aircraft owned or controlled, directly or indirectly, by Romania, except for humanitarian reasons; third, calling for full inquiries by the United Nations and other appropriate international bodies into the status of religious and human rights in Romania, including the sponsorship of resolutions on the topic; fourth, severely limiting the number of Romanian Government employees and dependents who can visit the United States for any purpose except to seek political asylum; and fifth, additional restrictions on the importation of products from Romania of any kind, except for opposition political literature or religious articles.

Human rights abuses in Romania, particularly the abuse of the ethnic Hungarian minority, have increased in the last year. President Ceausescu is now carrying out his plans to obliterate as many as half of the country's 13,000 rural villages and force the resettlement of the families in agroindustrial centers without proper plumbing facilities. Family homesteads, churches, and synagogues, traditional folk architecture and private sources of scarce food are being systematically destroyed. The collectivization has had a particularly bad impact on the nation's ethnic minorities, particularly its Hungarian minority, who suffer the loss not only of their homes, but also their centuries-old ethnic communities because of the collectivization.

A recent Helsinki Watch report cited Romania's Hungarian minorities as victims of a government campaign to end their separate cultural identity. Tens of thousands of Romanians, predominantly ethnic Hungarians, have fled into neighboring Hungary, because of the persecution in Romania.

In March, in response to the worsening situation in Romania, the United Nations Human Rights Commission voted overwhelmingly to appoint a special rapporteur to investigate the human rights situation there.

Even Romania's Warsaw Pact allies refuse to support her. Hungary cosponsored the resolution while the Soviet Union, East Germany, and Bulgaria abstained from voting.

Western European countries have reacted strongly to the situation in Romania. Portugal and Denmark closed their embassies there. Belgium, Switzerland, and the European Parliament have passed resolutions condemning Romanian human rights abuses. Germany has canceled economic meetings with Romania and scientific cooperation programs between the two countries. France recalled its Ambassador from Romania, and cancelled a scheduled economic meeting. Britain, France, and Germany have frozen all high level government to government contacts.

Although Congress suspended most-favored-nation trading status for Romania in 1987, the situation has gotten worse. That fact, plus the strong reaction of the world community, mean that it is imperative that the United States consider all available policy options to address Romania's continuing human rights abuses. This amendment, by directing the State Department to study all available diplomatic and economic options for pressure on Romania, will force a reconsideration of our policy toward that country.

I urge my colleagues to swiftly approve this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. HELMS. Mr. President, Senator WILSON would like to be a cosponsor of the amendment, and so would I. So I ask unanimous consent that both of us be added as cosponsors.

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

Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 308) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 309

(Purpose: To express the Sense of the Congress that the Government of the People's Republic of China should release all political prisoners including Yang Wei)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself and Mr. DECONCINI, proposed an amendment numbered 309.

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

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

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

Sec. . YANG WEI.

(a) FINDINGS.—The Congress finds that—

(1) Yang Wei, a Chinese national, studied at the University of Arizona from 1983 until he received his Masters of Science degree in microbiology in 1986;

(2) On January 11, 1987, while still an official student at the University of Arizona, Yang Wei was arrested by the Shanghai Public Security Bureau.

(3) After being held without charge for almost a year, Yang Wei was sentenced to two years in a labor camp for participating in the Chinese Alliance for Democracy.

(4) Yang Wei has been rearrested and again charged with participation in the Chinese Alliance for Democracy.

(5) Yang Wei has not committed any crime under United States or Chinese law; and

(6) Officials of the People's Republic of China are conducting a campaign of repression against those, such as Yang Wei, who only aspire to freedom and democracy in their homeland.

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

(1) the People's Republic of China should immediately release all political prisoners including Yang Wei; and

(2) the leadership of the People's Republic of China should take all necessary steps toward establishing a democratic society, with a free and open political system that will protect the essential human rights of all people living within that country.

Mr. HELMS. Mr. President, this morning brings further news of the spiraling campaign of repression in China. University of Arizona student Yang Wei has been rearrested in his home city of Shanghai. According to news reports, Mr. Yang is charged with demagogical propaganda for counter-revolutionary ends.

Yang Wei is not unknown to this body. During 1987 the distinguished Senator from Arizona, Mr. DECONCINI, and I repeatedly brought his case before the Senate. We were joined by the distinguished chairman of the Senate Foreign Relations Committee, Mr. PELL. We explained that Mr. Yang had returned to Shanghai to get married and was arrested before he could return. He was accused of distributing pro-democracy literature. "Free Yang Wei" became a rallying cry for Chinese students in the United States.

We can see now that the arrest of Yang Wei in 1987 was nothing more than a preview to the nationwide crackdown sweeping China in 1989. Thousands, perhaps tens of thousands, are being swept up in the net—workers, students, writers, journalists, and ordinary people who longed to be free.

Just 3 weeks before the June 4 massacre, I had the honor of introducing Mr. Yang's wife to the new Assistant Secretary of State for East Asia and the Pacific, the Honorable Richard Solomon. I told him that I hoped he could quickly arrange for her to be reunited in freedom with her husband. It is clear that will not happen soon.

In 1987 this Senate spoke on Yang Wei's behalf and we did so on the predecessor of the very bill we have before us, the State Department authorization bill. At the very least we have an obligation to speak again and this amendment does so.

ARREST OF YANG WEI

Mr. DECONCINI. Mr. President, I am outraged that the Chinese Government, in continuing its wave of repression against the Chinese people, has arrested Yang Wei. As you will recall, Yang Wei graduated from the University of Arizona in 1986 with a masters degree in microbiology. He was originally arrested on January 11, 1986 by the Shanghai Public Security Bureau—while he was still an official University of Arizona student. He was held without charge for nearly a year and then sentenced to 2 years in a labor camp for participating in the Chinese Alliance for Democracy and was only released this past January.

Now, in the government's crackdown against the unarmed pro-democracy demonstrators and others who have worked for the expansion of civil rights and liberties for the Chinese people, Yang Wei has been arrested once again. Those closest to him are fearful for his safety. Indeed, people who embrace democracy the world over are fearful for the personal safety of all those people who have been detained by the Chinese Government.

I am pleased to join with Senator HELMS in offering this resolution calling for the immediate release of Yang Wei and all other political prisoners now held by Chinese officials. I join my Senate colleagues in calling once again upon the leadership of the People's Republic of China to take all necessary steps toward establishing a democratic society and toward respecting the human rights of the Chinese people.

Mr. PELL. Mr. President, this amendment has been cleared on both sides of the aisle. I recommend its adoption.

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

The amendment (No. 309) was agreed to.

Mr. HELMS. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 310

Mr. PELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration. I offer this technical amendment to title II of the bill on behalf of the Senator from Delaware [Mr. BIDEN]. I believe that this amendment has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. PELL], for Mr. BIDEN, proposes an amendment numbered 310.

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

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

The amendment is as follows:

(1) On page 94, line 19, after "cancellation" insert "or redemption".

(2) On page 95, line 1, change ", and" to "or".

(3) On page 95, line 14, after "cancelled" insert "or redeemed".

(4) On page 95, starting on line 16, strike the language of (b) and insert in lieu thereof "Notwithstanding any other provision of law, a grantee (or any subgrantee) of the grants referred to in section (a) may retain, without deposit in the Treasury of the United States and without further appropriation by Congress, interest earned on the proceeds of any resulting debt-for-nature exchange pending the disbursements of such proceeds and interest for approved program purposes, which may include the establishment of an endowment, the income of which is used for such purposes."

(5) On page 98, line 13, after "that" insert "an agreement has been reached to cancel". On line 14, strike "has been cancelled". On line 14, strike "the" and insert "an".

(6) On page 99, starting on line 20, strike the language of (c)(2) and insert in lieu thereof "Notwithstanding any other provision of law, a grantee (or any subgrantee) of the grants referred to in section (a) may retain, without deposit in the Treasury of the United States and without further appropriation by Congress, interest earned on the proceeds of any resulting debt-for-nature exchange pending the disbursements of such proceeds and interest for approved program purposes, which may include the establishment of an endowment, the income of which is used for such purposes."

Mr. PELL. This amendment has been cleared, as I understand it, on both sides of the aisle. I recommend its passage.

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

The amendment (No. 310) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 311

(Purpose: To increase the authorization for Radio Marti by $700,000 with a concurrent increase of $700,000 in the overall authorization for the U.S. Information Agency)

Mr. HELMS. Mr. President, I send an amendment to the desk on behalf of Senator MACK and myself.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for Mr. MACK (for himself and Mr. HELMS), proposes an amendment numbered 311.

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

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

The amendment is as follows:

On page 55, line 4, strike "$181,724,000" and insert in lieu thereof "$182,424,000".

On page 55, line 10, strike "$12,000,000" and insert in lieu thereof "$12,700,000".

Mr. HELMS. Mr. President, the amendment is to increase the amount available for Radio Marti by $700,000, for a total of $12.7 million, the amount requested by the administration for that purpose.

Mr. PELL. Mr. President, this amendment has been cleared on both sides of the aisle. I would accordingly recommend its adoption.

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

The amendment (No. 311) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 312

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL] proposes an amendment numbered 312.

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

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

The amendment is as follows:

The Mutual Educational and Cultural Exchange Act and Related Materials, as amended, is amended by inserting in section 112(a)(8) following the word "degree" and preceding the ";" the following: "or through other programs designed to promote contact between the young peoples of the United States, the Soviet Union, and Eastern European countries"

Mr. PELL. Mr. President, this is an amendment to the Mutual Educational and Cultural Exchange Act and related materials and, within that act, the Samantha Smith Youth Exchange Program.

For my colleagues information, the Samantha Smith Program was created to promote contact between the youth of the United States, the Soviet Union, and Eastern European countries. My amendment is designed to broaden the types of programs that can be included within the Samantha Smith Program.

As we witness the changes in Poland, Hungary, and the Soviet Union, it seems to me there can be little doubt about the merit of seeking to increase the exposure of youth in those countries to the ideas, hopes, and aspirations of youth here in the United States. My amendment would expand the opportunities for this sort of communication through programs such as television "bridges," or letter exchanges such as Pen Pals.

Mr. President, it seems to me that we can only benefit from this sort of expanded exchange. I urge my colleagues to support the adoption of this amendment which I understand has been cleared on both sides.

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

The amendment (No. 312) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 313

(Purpose: Report to Congress on the acquisition and use of public programming material)

Mr. PELL. Mr. President, in behalf of Senator WIRTH, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL], for Mr. WIRTH, proposes an amendment numbered 313.

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

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

The amendment is as follows:

At the appropriate place insert: Not later than 90 days after the enactment of this Act, the Director of the United States Information Agency shall provide a detailed report to the chairman of the Foreign Relations Committee of the Senate and the Speaker of the House of Representatives describing all programming material acquired by the United States Information Agency in fiscal year 1988 and fiscal year 1989 from public television and radio entities, including a description of how such program material was utilized by the United States Information Agency, in whole or in part, in original or edited form. Further, the Director of the United States Information Agency shall include in such report a description of projected United States Information Agency use of programming material acquired for public television and radio entities through fiscal year 1992.

Mr. WIRTH. Mr. President, the amendment I offer this afternoon would simply direct the USIA to report back to Congress within 90 days with detailed information on how it spends its acquisition funds for public radio and television programming. The purpose of the amendment is to give Congress an idea of what sorts of non-USIA produced programs are being bought for broadcast overseas. With such information, Congress will be in a position to better determine what sort of support, if any, USIA may need to enhance its broadcast efforts.

Ultimately, we want to be sure that the USIA, and especially the Voice of America—which is the beacon of information for hundreds of millions of people who seek to be truthfully informed about events in their countries and throughout the world—has access to highest quality sources of radio and TV programming available in the United States today.

People in the Soviet Union, Eastern Europe, China, Southeast Asia, Africa, Latin America, and elsewhere—people behind the walls of totalitarianism and repression imposed by their governments—are looking to the United States as the living symbol of freedom.

When the tanks roll into Tiananmen Square, when elections are rigged in the Philippines, when the people of Poland repudiate the control of the state—when the yearning for democracy is tested, people seek the real story of what is happening and they turn to VOA to find it.

Mr. President, this amendment gives us a chance to learn what USIA purchases for overseas broadcast, so we may continue to support its efforts in bringing to the world the very best in news and information.

The taxpayers of the United States—and the contributions individual citizens are also making at the

same time—are making significant investments in public radio and public television in various sources. What we would like to do, many of us, is to see that expanded or enhanced as much as possible as we understand that is really fine quality programming representing the diversity which we have in the United States. So the more of a merger of these two which we can occasion perhaps the better off we will be. Let us learn a little bit more about it.

I hope my colleagues will see fit to accept this amendment. I think we are all increasingly strong advocates of both public radio and public broadcasting, and the wonderful invention that has been over its 20-year history. I hope we will be able to strengthen it.

I hope my colleagues will accept the amendment.

I yield the floor.

Mr. PELL. On behalf of Senator WIRTH, Mr. President, this amendment which has been sent to the desk will require a report on the USIA use of material for public television and radio.

As I understand, it is acceptable on both sides.

Mr. HELMS. Mr. President, I believe the distinguished Senator from Mississippi has an amendment.

The PRESIDING OFFICER. The question is on agreeing——

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HELMS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The amendment of the Senator from Colorado is pending.

Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Colorado.

The amendment (No. 313) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. 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. WILSON. 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. 314

(Purpose: To support the Constitutional Rights of the President to conduct foreign policy)

Mr. WILSON. Mr. President, I ask unanimous consent that the amendments numbered 269, 270, 272 be temporarily laid aside so that I may send an amendment to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from California [Mr. WILSON] proposes an amendment No. 314.

At the end of the bill add the following: The Senate hereby supports the constitutional rights of the President to conduct foreign policy.

AMENDMENT NO. 315 TO AMENDMENT 314

(Purpose: To preserve existing law with respect to consideration of resolutions of decertification)

Mr. LOTT. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration. This amendment is being proposed by the Senator from Mississippi for himself, Senators DECONCINI, HELMS, WILSON, D'AMATO, and COATS.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] for himself, Mr. DECONCINI, Mr. HELMS, Mr. WILSON, Mr. D'AMATO, and Mr. COATS, proposes an amendment No. 315 to amendment of Mr. WILSON, No. 314.

Mr. LOTT. Mr. President, I ask unanimous consent that further reading be dispensed with.

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

The amendment is as follows:

Strike all after the word "The" and insert the following: "lines on page 130, starting with 6, and continuing through 16, are null void and of no effect".

Mr. LOTT. Mr. President, this amendment deals with the role of the Senate in reviewing administration certifications as to whether foreign countries are cooperating fully with the United States in controlling the production and distribution of narcotics. I think we should maintain that role as it is now.

To do that, my amendment would simply negate section 902 of the committee bill. Section 902 deletes the expedited procedures that we established in 1986, just 3 years ago, for considering resolutions of decertification. My amendment would keep these expedited procedures intact, which is all I seek to do

Each year, the President is required to certify whether major drug producing and drug transit countries have cooperated fully with the United States, or taken adequate steps on their own, with regard to preventing drug production, drug trafficking, and drug-related money laundering. If certain countries are found not to be cooperating fully, sanctions are imposed. These include a cutoff of foreign aid, U.S. opposition to multilateral development bank loans to offending countries, and imposition of trade sanctions, including duties, loss of tariff benefits, and suspension of air service.

The submission of the Presidential certification is accompanied by an annual International Narcotics Control Strategy Report prepared by the State Department. Both are transmitted to Congress by March 1 each year and set in motion a process that gives us 45 days of continuous session to override the certification.

Mr. President, the application of expedited procedures preserves the right of the full Senate to consider resolutions of disapproval and preserves the right of the Senate to vote at a time certain, regardless of whether the Committee on Foreign Relations votes to report a resolution.

Treating such resolutions as privileged, as the committee bill proposes, offers no assurance that the Senate would have a chance to work its will regarding the cooperation or lack thereof by foreign countries in the war against drugs. In fact, the committee proposal would make it more difficult for the Senate to consider resolutions of disapproval.

There will be argument made here, I am sure, tonight about committee jurisdiction, committee rights, and that is not intended. I did not create this process. But the process exists, and the full Senate certainly deserves the opportunity, the right, to express itself, debate, and to vote on this certification question. We are talking about drugs, my colleagues, drugs. Is it serious enough for the full Senate to vote on something involving the decertification of countries that allow these drugs to pour over the borders? I think so.

The committee proposal would require that joint resolutions of disapproval first be reported by the Foreign Relations Committee before they could be considered by the Senate. Once reported, yes, a privileged resolution could be brought before the Senate either by unanimous consent or through nondebatable motion to proceed. But then—and here is the big shortcoming to this approach—the resolution would be subject to amendment and extended debate, with no assurance of a vote to occur at a time certain.

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Some of my colleagues who are critical of the certification process believe we should alter the sanctions or fine tune the definition of fully cooperate. That is fine. That's a matter for the Foreign Relations Committee to consider. But that is not what is at issue here in this amendment.

Opponents of current law make much of the fact that the Foreign Relations Committee is the only committee in the Senate, and the only committee in the Congress, that is subject to expedited procedures. They say that expedited procedures makes a mockery of the Senate committee system and would render the Foreign Relations Committee irrelevant. I think that is nothing more than hyperbole.

We will have an opportunity to consider these things for the committee process, but the full Senate, 81 of us that are not on the committee, have a right to be heard, to participate in debate and have a right to vote. Without this, we have no assurance——

Mr. DODD. Will my colleague yield——

Mr. LOTT. In a minute.

Mr. DODD. For a clarification with respect to the amendment for purposes of debate? We know exactly the effect of the amendment. That is all I would care to inquire on.

As I understand it, the only change that has been made is that the committee would no longer be automatically discharged, and if the committee sends a resolution to the floor, that resolution would be treated just as if the committee had been discharged. Ten hours of debate unamendable as to the resolution, expedited procedures. The only distinction here is that the Senate Foreign Relations Committee would no longer automatically be discharged from its responsibility. Otherwise, the resolution would be treated exactly the same. Am I not correct?

Mr. LOTT. There is no question that section 902 would change the existing procedures that have existed since 1986. There is no question about that. The Senate, full Senate, has acted, as I understand it, six times under that procedure, and they have acted very responsibly; four times they refused to go on with decertification, two times to go along with it. There is no question that you change that procedure. I want to preserve the right of the full Senate to take these issues up in this body and debate them and vote on them. We can discuss further the exact intent of the Senator and my intent.

Let me sum up by saying all I want to do is preserve the status quo where the Senate is plainly involved.

Plainly and simply, Mr. President, the opponents of expedited procedures wish to strip the Senate of its ability to vote on individual resolutions of disapproval in cases where the Senate disagrees with a determination of the administration that a certain country is cooperating fully in the war on drugs.

I do not have any reason to be necessarily complaining about this administration. It is one that I certainly support. But in cases where the State Department certifies that countries are fully cooperating when they are not cooperating, let alone fully cooperating, I think we ought to have a chance to debate that and vote on it.

To eliminate the existing structure of expedited procedures, it seems to me, represents a serious erosion of the Senate's capacity to examine the degree to which countries have cooperated fully—and represents a serious erosion of the Senate's right, if necessary, to override the recommendation of its Foreign Relations Committee.

Since expedited procedures were established under the Anti-Drug Abuse Act of 1986, the full Senate has voted six times on resolutions of disapproval. Twice the Senate has disagreed with Presidential determinations. And four times, the Senate has defeated resolutions of disapproval.

In the two instances in which resolutions were approved, the Presidential certifications still were upheld because the other body declined to act. But the Senate did have an opportunity to express itself and that is their problem. And I believe it is vital that that right be preserved. And it does makes a difference. Countries would be impressed if we would take this very strong action.

I also think it important to note that the Senate sometimes has endorsed the recommendations of its Foreign Relations Committee on these resolutions and on other occasions has overturned the committee's findings.

There is a high regard for the Foreign Relations Committee and certainly I have an extremely high regard for the Senator from Connecticut. I worked with him off and on now for I guess 20 years almost. He did a great job in the other body. We served on the same committee together. I understand about exit prerogatives and I am sensitive to that. But is this a drug war? Is this a situation where the full Senate should be heard? Absolutely.

Too many times we know that committees are legitimately busy with confirmations of ambassadors and whatever and maybe they just do not get around to it.

The Senate would have a right in 45 days to act.

In 1987, the committee voted 15 to 4 against a resolution of disapproval of Panama. But the full Senate disagreed, by a 31-to-58 margin.

Last year, the committee voted against a resolution of disapproval of Mexico, but the full Senate reversed that finding, 63 to 27. The committee also recommended last year that the Bahamas be decertified, but the full Senate disagreed, by 40 to 53.

So it has gone full way back and forth. This is the Senate. And under the Constitution should not the Senate, the whole Senate, be able to debate and vote on issues as serious as decertification or certification?

In 1987, the Senate twice supported the committee, by tabling resolutions to decertify Mexico and the Bahamas. And earlier this year, the Senate again voted down a resolution of disapproval for the Bahamas, again supporting the judgment of the committee, which did not report a resolution of disapproval, which I did not agree with.

I would point out to my colleagues that these expedited procedures are patterned after those that apply to Senate consideration of arms sales. So even if those who wish to weaken current law in the war against drugs should prevail, the Foreign Relations Committee still would have expedited procedures in effect for consideration of arms sales.

I maintain that drugs are as serious as arm sales. They surely kill just as certainly, and I certainly do not hear any calls by the opponents of current laws on drugs to also make it more difficult for the Senate to consider resolutions of these disapprovals of arm sales.

So what are we to imply from the position of those who oppose expedited procedures on drugs? We have not abused it. It is a right we need especially now.

Are resolutions that would cut foreign aid to countries that fail to cooperate with us in controlling the flow of drugs into the United States not as high a priority for Senate consideration as resolutions to disapprove arms sales to particular countries?

Mr. President, this is not the time to start unraveling the bipartisan consensus that exists in the Senate and in the Congress over the war against drugs. This is a part of the drug bill, an important part. We adopted these expedited procedures 3 years ago as title II of the omnibus drug bill. And last year, in the Anti-Drug Abuse Act of 1988, we created a new drug czar and directed him to prepare a strategic plan as to how our country can best combat illegal drugs.

Less than 2 months from now, that report is due out. And, at any request, and at the request of some of my colleagues, that report will address our Nation's international narcotics control strategy. After that report is presented to the Congress, there will be ample time to consider changes in the law that might be desirable.

But let me ask you. Can you explain to your constituents, can you explain to the American people where there are countries that we know are export-

ing these drugs of death into our country and we are providing them aid? What nonsense. Sure, the list may be long. I say it is time we act on that list. Are we serious or not? I ask that not just of my colleagues, I ask it of Americans on the supply and the demand side, and I ask it of the administration.

Wouldn't it be infinitely wiser for us to await the findings of the drug czar before we go off, willy-nilly, and do something that we may wish we had not given up later on?

In conclusion, let me just say that it is important that we keep the pressure on those countries that the President and the Congress determine are not doing enough to halt the flood of drugs into our country. This is not the time to stage a retreat in our war against drugs, because a committee feels that it is being treated differently.

That is not the point. The jurisdiction of committees should not be a point in a war on drugs, for heaven's sake.

So let us vote to preserve the right of the full Senate to express itself in a timely manner.

I urge my colleagues to support this amendment and send a message to our own State Department and to drug traffickers around the world that the United States Senate continues to stand tall—both domestically and internationally—in the war against drugs, and we are going to fight even more aggressively in the future.

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

The PRESIDING OFFICER (Mr. LIEBERMAN). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Chair recognizes the senior Senator from Connecticut [Mr. DODD].

Mr. DODD. Mr. President, let us try and get clear as to what this amendment is. This is a housekeeping amendment. This is not a question about who wants to be tougher on drugs.

This amendment deals with one simple question that is basically an issue involving the committee structure of this institution and the other body and how those committees were treated when we deal with the problem that every one of us cares about, and that is the successful war against drugs in our society.

What happened in the committee was that we changed an oversight, and it was an oversight, frankly, at least as far as this Senator was concerned, because I had no idea that in the waning hours a few years ago the law included a provision that said that the House Foreign Affairs Committee, the House Ways and Means Committee, the Senate Finance Committee, would be treated one way and the Senate Foreign Relations Committee another way, and that in effect is what the law does. In the case of the other three committees, if they act and send a resolution of disapproval to the floor of the House or the floor of the Senate, then those resolutions must be dealt with in the case of the Senate in a privileged way and in the case of the House in a highly privileged way.

That was an oversight.

Contrary to what my good friend from Mississippi says, we do not change in any way how this body as a whole deals with those resolutions. They are to be dealt with under expedited procedures.

The language that has included in this bill by a vote of 13 to 2 says that for the purposes of expediting the consideration and enactment of joint resolutions under this subsection, a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as privileged in the Senate or as highly privileged in the House of Representatives.

So we are not changing the expedited procedures on the floor. The only thing we are saying is that if the Senate Foreign Relations Committee, just like the Senate Finance Committee, just like the House Foreign Affairs Committee, or the House Ways and Means Committee, in its judgment decides that a particular resolution does not deserve merit than that resolution will not be sent automatically to the floor of the Senate or the House.

Now, it is not coincidental that my good friend from Mississippi has offered an amendment to take us back to the previous law which treats one committee differently than the other three.

An amendment that might have enjoyed even the support of this Senator would have said let us treat all four committees alike. Let us insist that the Finance Committee and the Ways and Means Commitee and the House Foreign Affairs Committee be treated like the Senate Foreign Relations Committee, and let me add, if you really want to zing Mexico, trade areas are far more poignant than aid. We do no give any aid to Mexico. We have a lot of trade agreements with Mexico.

I frankly think such an approach is wrong. I do not think we ought to say that regardless of how the Senate Finance Committee feels that their consideration, their debate, ought to be totally disregarded, and no matter what they do we are going to come to the floor anyway.

I suspect my good friend, and I see him here, from Texas would object strongly if our colleague from Mississippi had offered such an amendment to discharge the Finance Committee from its deliberation, and I would not blame him for that.

I suspect the Senator from Mississippi would encounter a similar problem with the Congressman and the chairman of the Ways and Means Committee of the House or DANTE FASCELL of the House Foreign Affairs Committee.

We respect the committee process and the committee procedures.

The Foreign Relations Committee has sent resolutions of disapproval on drug matters to the floor and in some cases this body has supported them and in some cases they have not.

We are not unique in that regard as a committee. That is the way this institution has been set up, to function intelligently so we have a committee process.

The drug issue is an important question. But if we return to the situation as being advocated by my colleague from Mississippi, you potentially have a situation where 25 different resolutions could be offered by one Member of this body, be given 10 hours of debate immediately, superceding any other motion here except a motion to adjourn, and one Senator could control 250 hours of debate if that one Senator did no happen to want to see this body move.

I do not think that is the way we ought to potentially conduct our business. If there is merit to a resolution of disapproval, then we ought to react to it. And all we are saying from a housekeeping standpoint is that the Senate Foreign Relations Committee ought not to be treated any differently than any other committee. And if you want to change the rules and discharge committees, then discharge all of them and do not just pick on one. And that is all this amendment is about—to pick on one committee.

I suggest that the authors of this amendment would not even consider any amendment to discharge the Finance Committee or the Ways and Means Committee. You would have your heads handed to you if you tried it. But you go after the Senate Foreign Relations Committee. It is wrong and it is demagoguery to suggest that this is a debate over who cares more about drugs. It is whether or not we deal with these issues intelligently and thoughfully. That is what the American public wants. They are not impressed with tub-thumping speeches about who cares more about drugs. They want someting done, intelligently done, about it.

And if you offer an amendment around here that has drugs on it and Mexico on it, regardless of whether it has merit, it passes.

So all I am suggesting to you here is this amendment is housekeeping. If you want to treat the Foreign Relations Committee differently than all other committees, then adopt this language. It will not be lost on this Senate.

If you really want to treat this issue equitably, offer an amendment that treats all committees alike and discharge it when it comes to the question of drugs.

If you are really serious about drugs, if you are really serious about Mexico, go after the trade questions. That is how you will affect these countries more importantly than any aid. We do not give any aid to anybody any longer, or hardly. It amounts to about 1 percent of our budget and half of it goes to three countries of the world, none of which are on the list involving drugs.

Trade is important. But trade, you see, touches some other questions. So maybe we are not quite as serious about drugs when it comes to offending some business interests who may do business in some of these countries and maybe we curtail their ability to do business in those countries. No, that is a different question. Members are not quite inclined to get involved in those questions because they might offend some local fellow back home. So we will go after the Foreign Relations Committee and tell them they have got to be discharged regardless of what their judgment is on some of these questions.

And it is not as if there are no other opportunities available to Members to offer their thoughts on the drug question. We saw an example of it here just a few minutes ago. Even though no amendment was offered or no resolution was offered in a timely fashion to deal with Mexico earlier this year when it could have been, our distinguished colleague from Arizona offered a sense-of-the-Senate resolution that just took a good whack at Mexico. They did not have to wait. It is not as if you are not going to have the opportunity to go after Mexico every year if you want. You could probably do it once a week if you would like with the opportunities around here. We do not have a germaneness rule. You are not back in the House, I say to my good friend from Mississippi, where you were restrained from offering those kinds of amendments. You can offer it every day of the week if you want.

But what you are doing here is you are picking out one committee. And if you really cared about drugs, if you really wanted to send a message to the folks in Mississippi, offer an amendment that discharges the Finance Committee and goes after trade questions automatically on this floor. I would welcome a debate, I would like to hear the debate, on that issue. That would be true waging war. Then you could really make a difference in some of these countries.

So I just urge my colleagues, as they come over to vote on this, it is a housekeeping matter. Treat all committees alike—Ways and Means, Finance, Foreign Relations, House Foreign Affairs—but treat them equitably. They deserve to be treated equitably.

What happened a year or two ago was an oversight, in my view, I think, as Members were made aware of it. As I said, in the committee, it was not 2 members out of the Foreign Relations Committee that cared about drugs and 13 did not. The vote was 13 to 2 on that committee—conservatives, liberals, moderates, all felt the same.

I hope that you would respect their judgment in the committee, respect the committee system, respect the committee process. That is how this body functions. We do not go around discharging committees right and left because we may not like their decision. We could not function as an institution if that became the modus operandi. So I urge the defeat of this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the chairman of the Foreign Relations Committee, the Senator from Rhode Island [Mr. PELL].

Mr. PELL. Mr. President, the measure which Senator LOTT seeks to overturn was, as the Senator from Connecticut just pointed out, adopted by our committee on a bipartisan 13 to 2 vote. The committee-adopted measure offered by Senator DODD is procedural and does not in any way diminish the committee's or the Senate's ability to move against narcotic trafficking or transiting countries. It just places our Foreign Relations Committee's procedures in conformance with the three other committees that also have jurisdiction—the Senate Finance Committee, the House Foreign Affairs Committee, and the House Ways and Means Committee. These committees, as we all know, are not automatically discharged from a resolution which they have not voted to report. The Foreign Relations Committee should not be treated differently. I intend to vote against the amendment.

Mr. DECONCINI addressed the Chair.

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

Mr. DECONCINI. Mr. President, I say to anybody who might be listening that this amendment by the Senator from Mississippi is not an amendment to pick on anybody. I think the history needs to be laid out.

Why are we even here debating this issue tonight? We are here because in 1986, this body felt that there was not enough pressure, that there was not enought—execuse me for saying this—perhaps leadership in an administration that was talking very tough about drugs but not willing to exercise some strong pressure and influence on many countries that, no question about it, are in the drug-producing business; not to be partisan, because it was offered in my recollection by a Republican Senator from Florida who wanted to put these expedited procedures in. Many Republicans felt that the administration that they support on many issues, on many international foreign policy issues, needed to be given an assurance that this body was going to look at those certifications very carefully and that we were going to vote here on the Senate floor and that it was necessary for us, if we are going to talk tough and be tough on drugs, that we vote and we face up to this difficult situation, be it Colombia, Mexico, or whoever.

If the Senator from Connecticut or anybody else thinks it is fun to get up here and talk about a country, as I have supported the certification of The Bahamas and others feel very strongly they are not doing enough. The point here is that it was absolutely necessary, if we were going to get tough on drugs, that we do it internationally as well as we do it with law enforcement, with education, and with treatment, et cetera.

So what happened? This process was put into formation where the President is to certify countries that are fully cooperating and recommend noncertification of those who are not.

Now, the problem this gets down to is that a country that we have got a good relationship with, they get certified. They get certified because of the many other perhaps justifiable reasons in the mind of the State Department. But in the minds of some Members of this body and a vast majority, they said, "No, we want to pass on that, if that country is really involved with full cooperation or any semblance thereof."

That is why this procedure was put into the law in 1986. And in 1988, just to remind everybody, we passed a wham-bam drug bill here, omnibus drug bill, 60 percent of it into treatment and education and law enforcement and what have you. And we told everybody, "We are getting tough."

We did not have the courage to fund it, but we are getting tough. We still have not funded it.

Mr. DODD. Will my colleague yield on that point?

Mr. DECONCINI. I yield.

Mr. DODD. Does my colleague understand I have no objection? In fact, I support the expedited procedures. The only objective and the only question being addressed by this amendment is whether or not we treat one committee of this body differently than the other three or do we treat all of them alike? Either discharge all of them or discharge none of them and maintain the expedited procedures. That is the only question. Expedited procedures, I am fully, totally in agreement with my colleague on that.

Mr. DECONCINI. I thank the Senator for his comment, but let me say the question is not the treatment of one committee over the other. The question is treatment of our Nation versus nations that are drug producers and sending those drugs north, usually.

What do we do? What kind of certifications do we get, and decertifications do we get? Well, we get certifications of Mexico, we get certifications of Colombia, we get certifications of the Bahamas. I happen to agree with that one. Some others may feel a little different. We had a vote on the floor here on the Bahamas. But which ones get decertified from the administration? These are the ones that get decertified.

Iran: Is anybody going to object to that? No. Panama? Absolutely not. Afghanistan? Burma? Are we going to stand up here and say, boy, we do not want to do that?

Cuba? No. And rightly so. The administration had the courage to call it the way it was.

But on a few other countries, and I am more than happy to debate some of them. Colombia happens to be one. A good, friendly nation to the United States. A country that has paid dearly. But have they fully cooperated? I rather doubt it. I rather doubt it.

This body went on record a year ago saying that Mexico, a good nation, good people, was not fully cooperating. Sixty-two Members of this body wanted to have an expedited procedure so they could vote on it if somebody called it up.

There are only 45 days during which anybody can call it up. Was this decertification of Mexico called up this year? It was not.

Any 1 of 100 Members could have called that up for a vote. Why not? Maybe Mexico got the message last year when we voted, 62 Members, to decertify that country. Because it is severe. It is not just foreign aid. It is a severe sanction if we should pass that in both Houses and it be enacted into law.

So this body I thought did a responsible thing. The Senator from Connecticut had a lot to do with that in arguing with a number of us. So did the administration, as to Mexico; pointing out that they were working in a constrictive manner. So nobody called it up. I did not. The Senator from California did not; nor did other Senators who had very strong feelings and argued for the decertification 1 year ago.

So here we are now debating a tool, a very effective tool. Not just a little housekeeping procedure. It is a very effective tool for international control of narcotics. I daresay I think that if Mexico's improvements are there, and indeed they are, it may very well have had something to do with the fact that last year we voted to decertify that country.

Sure it hurt Mexico. It hurt me to cast that vote against a great nation. But it also was a responsibility that I had to my constituents in Arizona to tell it like it is; to tell the problems that we already addressed today and debated about Agent Camarena; 3 years then with no resolution of that murder committed.

So it is time that we look at this for what it is. It is a tool and it is a good tool. It has not been abused. Nobody has called up 25 of these. Nobody is talking about seeing any abuse of this. It has been very selective when anybody—or when somebody, first of all, thinks we have enough. And then when a majority wants to get up here and vote we have had enough from some country that is a drug shipment or drug producing nation.

I support the amendment offered by the Senator from Mississippi, Senator LOTT. This amendment would strike section 902 from the State authorization bill for fiscal year 1990. Section 902 would delete the expedited procedures provision included in the certification process from the 1986 drug bill.

No one hesitates in this body to call the illegal drug epidemic in the United States the No. 1 problem facing this country. My colleagues are right to do so. In fact, in a recent nationwide poll conducted by the Democratic Party the American people said that drugs was the No. 1 problem facing our country, with the deficit second.

Last year, the Senate, in bipartisan fashion, drafted and passed a comprehensive antidrug bill. During the process, we all traveled back home and told our constituents that nobody would be tougher on illegal drugs and those who dealt with these poisons than the U.S. Congress. So what happened, we talked tough, but when it came to make the tough decision and fully fund the 1988 drug bill, we dropped the ball on the American people. We lacked the political courage to make the difficult cuts required to fund the bill.

Mr. President, if we fail to adopt the amendment offered by my friend from Mississippi today, we will take another step backward in the war on drugs. We will stifle debate in the U.S. Senate, the worlds greatest deliberative body, on this country's war on drugs.

When the Anti-Drug Act of 1986 was passed, it included a section on certifying drug producing and transshipment countries. Those of us who worked on the 1986 bill, fully understood that if the United States was going to mount a successful antidrug program, we could not ignore the international side of the issue. For those of my colleagues who were not involved in drafting the 1986 drug bill, we included a tough set of guidelines that drug producing and transshipment countries would have to meet. They would be judged on whether they were fully cooperating with U.S. antidrug efforts.

If these countries failed to meet these guidelines, they would be decertified and face sanctions. These sanctions include cutting off foreign aid, the United States would have to vote against multilateral development bank loans, and the imposition of trade sanctions.

Section 902 of the bill, would make it nearly impossible for the full Senate to debate the certification, by the President, of drug producing and drug transshipment countries. Section 902 would require that the Foreign Relations Committee would first have to report a resolution of disapproval before they could be considered by the Senate.

Senator LOTT's amendment, would return expedited procedures to the certification process as it was approved in the 1986 drug bill. Let me provide my colleagues an example. If President Bush felt that Panama should be certified next year, the full Senate, under the Lott amendment, would be insured of having the opportunity to debate the certification, regardless of how the Foreign Relations Committee votes.

I believe the certification process is critical to this Nation's international drug policy. It is imperative that drug producing and transshipment countries know that the United States takes the drug problem seriously and has the necessary provisions to punish those countries who do not fully cooperate with U.S. antidrug efforts.

I believe that the illegal drug problem is the most important problem facing this Nation. I want to know that I will have the opportunity to debate any area of this Nation's drug policy that comes before this body.

I truly hope, Mr. President, that this body will pass the Lott amendment. I think it is reasonable to leave the law exactly as it is. It has worked the last couple of years. We have only had a couple of votes on this matter. To me it is a very positive approach. We ought to leave it as it is, at least for the time being.

The PRESIDING OFFICER. The Chair recognizes the Senator from California, Mr. WILSON.

Mr. HELMS. I wonder if the Senator would permit me to inquire of the Senator from Arizona.

Mr. WILSON. I will be happy to yield to my friend from North Carolina without losing the floor.

Mr. HELMS. I thank the Senator.

As a matter of fact, the Dodd provision as contained in the bill reduces the war on drugs to a fizzle, does it not? As far as the matter is concerned?

Mr. DECONCINI. In my judgment that is a good way to put it. The Senate would now not have an oppor-

tunity to counterbalance a decision made, perhaps by the State Department, for other reasons. Maybe for trade, maybe for some other reasons. The Senate would no longer have a right to bring it up for a vote.

That is all we are talking about. If the votes are not there we do not do it.

Mr. HELMS. The Senator is exactly right. In the process of the provision by Senator DODD in the bill, unless the Lott amendment is approved, every Senator not on the Foreign Relations Committee automatically loses his right to call it up because it never gets to the Senate if the Foreign Relations Committee does not report it out just like any other bill.

Mr. DECONCINI. The Senator is correct. That is why the procedure is there.

Mr. HELMS. Exactly. Exactly. I think it is imperative that the amendment of the distinguished Senator from Mississippi be approved. I hope Senators will understand what they are doing to themselves if they do not support the Senator from Mississippi.

I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, I think this was a useful exchange because what came out of it was the fact that, under present law, any Member of the Senate could call up a resolution of certification or of decertification. But, if the law is changed, as it is proposed to be changed by the version brought to this floor by the committee, all that would change.

My friend from Connecticut is absolutely correct when he says that we would not be altering the expedited procedures on the floor. I noticed that he was careful, and properly so, and accurate in that statement. But what we certainly would do if the Lott amendment did not go through to restore us to the existing law, is that we would dramatically change, in fact we would flat foreclose, the right of any Member to withdraw that bill from committee by his request. It would, instead, languish there if the committee chose not to release it. There would no longer be a power to bring it out.

I find it remarkable. I think sometimes we get a little too close to things. I listened to a man, whom I greatly respect, argue with passion about committee prerogatives.

My friend from Connecticut has said that if the law were the same, if there were an equitable treatment, if all committees were treated, the same, he would have no objection. My friend from Rhode Island agrees.

Why do they not propose that expedited procedures be applied to the committees to which they think they should be applied? It may make sense. It may not. I do not know. But what I do know is that the expedited procedures that are applied to this committee were applied because of a special circumstance.

If my friend thinks that we erred in response to a crisis, I will tell him that that crisis not only continues to exist, it has grown worse. And that all that the Senator from Arizona said about the efficacy of this provision is true. Perhaps not because we cut off so much in the way of aid, but because it is unpleasant for drug-producing nations to be identified as such and to have to defend against the onus of the charge that they are not certifiable as giving full cooperation in an antidrug effort.

I think that has had a very salutory effect. Just as I think Jackson-Vanik over a long period of time eroded the indifference, the callousness of the Soviet regime to the desire of refusniks to emigrate.

This is an instrument of focused moral pressure. Let there be no doubt about it. But to say that we are picking on the Foreign Relations Committee, Mr. President. With all due respect to the august members of that committee, I do not think my constituents care a fiddler's damn about the Foreign Relations Committee or its prerogatives. But they care deeply about whether or not their kids are being exposed to the peril of drug use. They are concerned with the volume of the drug traffic in their neighborhoods, whether or not their children are safe going onto a playground or a school ground or whether they will be importuned to become part of a retail apparatus. And we do not propose for a moment that this certification process is the entire answer. It is not.

It is not. Good God, we all know that we have not begun to do nearly enough in the way of demand reduction or the other things that are required to prevent drug use. Our domestic effort has been inadequate.

Yes, we passed legislation, and we have not funded it. But what is true is that drug-producing nations outside the United States are a significant part of the problem. If it is true that a particular nation is either the point of origin or the point of transshipment for the flow of dangerous drugs into the United States, and if the nation is not making the effort required in U.S. law to be certified as in full cooperation, then why is it improper for us to say so and to attempt to impose pressure to change that situation? Do we not owe that to our children and to law enforcement who are outgunned and outnumbered on the streets of this country?

I will just say I do not think this is either picking on one committee; indeed, there are other committees subject to special rules. I do not like the fast-track procedure, but that is what we use when we consider free trade agreements. A free trade agreement, once consummated by the negotiations, goes to the Finance Committee. It is there briefly. It cannot be amended. Bingo, it is out on the floor and it cannot be amended here either. You talk about an abridgment of prerogatives. But that is supposed to be so terribly important, Mr. President, that we are willing as a group to suffer that abridgment of the ordinary rights and privileges of individuals Members of the Senate, as well as the very important and powerful Finance Committee.

I submit to you that as important as free trade agreements may be, that the crisis of drug use on America's playgrounds and in our schools is a far greater and more important crisis, demanding far more attention and far more resolve than this body has yet shown it. God knows, we will send the wrong message altogether if we change the law in a way that permits the Foreign Relations Committee to simply bottle up resolutions which they think are ill-advised because they may offend a drug-producing nation. The fact of the matter is that the Senators who have spoken against the Lott amendment do not agree with the entire certification procedure. They concern themselves with giving offense to these drug-producing nations.

Mr. President, our purpose is not to give offense. It is to try to reduce at least the problem of the flow of drugs from outside the United States into the United States. It is infinitely more difficult and dangerous for law enforcement in this Nation to deal with the problem at retail once the drugs are inside our borders, once they are being distributed on a retail basis. We will be more effective if we can interdict beyond the borders of the United States, which is why this same body broke a precedent and in last year's defense authorization bill adopted an amendment that, for the first time, really involves the military in the interdiction of drugs beyond the borders of the United States because we felt it that important.

It is that important, Mr. President, and it is important that we send a clear message to drug-producing nations that are not in full cooperation as U.S. law requires.

If my friends think that that was a mistake, the enactment of these provisions that impose those requirements, if they think it was a mistake to adopt those laws in response to a crisis, well, I respectfully disagree. The crisis continues and, indeed, grows worse, and foreign suppliers are very much a part of it.

I must say that whatever passions are stirred by a tax upon committee prerogatives, my outrage has not diminished from the moment that I had watched the grief in the faces of the family—the mother, the wife, the

widow and the children of Enrique Camarena.

I will say today his killers have not yet come to justice, and I am enraged by that. But it is not my purpose, nor the purpose of any Senator who has supported the certification to engage in bashing. It is not our purpose to give offense. It is our purpose to make a difference, to change the odds in favor of the children of this Nation whose talents for whom we hope so much can be wasted by one tragic experiment.

Mr. President, let us come back to what is really at stake here. Were it not for the Lott amendment, if this were to become law, this bill as it has been amended in committee, changing existing law, what we would have is a dramatic change in the way this body operates. Those not on the Foreign Relations Committee, I predict, would never likely have the opportunity again, except in the most egregious cases like Panama or Iran, to vote decertification of a drug-producing nation. We will not refight that fight.

Sixty-three Senators last year who the year before had refused to decertify Mexico voted to decertify Mexico last year because they had been convinced that it was necessary to do so. They would not have that opportunity, I will predict, if the Lott amendment were not successful. Instead, a resolution seeking to decertify them would languish in the Foreign Relations Committee.

I think that is wrong, Mr. President. I think the rest of us should have the opportunity by a well known and established procedure to be able to call it up or to see that resolution discharged after 15 days if no action has been taken.

And why, Mr. President, why this extraordinary procedure? Because of this extraordinary threat that it seeks to deal with. That is why. It is that simple and it is a lot more important, I submit, than the imagined slight, if I may say so, on committee prerogatives.

My friends do not think it is equitable. Let them change the law so that they can find—if they can find some similar justification—to have expedited procedures apply to the discharge of legislation from other committees. Perhaps I will support it. I do not know. But I think they will find it difficult to find justification equivalent to the drug crisis in America, which is the justification for this special procedure.

Mr. President, I commend the Senator from Mississippi. He is right. He is right in proposing his amendment. The amendment seeks to restore the law, or rather to prevent its being changed so that we do have the opportunity, if we are required to do so, to engage in the unpleasant task of saying to a drug-producing nation whom we would wish to be a good neighbor that they are not yet a good enough neighbor. That is what this is all about. And it is more important, far more important in the eyes of our constituents, I assure you, than any committee prerogatives.

Mr. President, I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Indiana [Mr. COATS].

Mr. COATS. Mr. President, I, too, rise in support of the Lott amendment. What we are seeing here on the floor I think is a great deal of frustration which we all share, frustration over our inability to get a handle on perhaps one of the most insidious problems ever to face our society. We witness daily the death and destruction and destroyed lives and destroyed families that result from the illegal use of drugs, the drug abuse that pervades every segment of our society.

We travel back to our districts and visit schools in rural, suburban, and urban areas and find that drugs have invaded every school yard, every educational institution, nearly every neighborhood of our States. We cannot be blind to the fact that drugs simply do not just exist on CBS or NBC or ABC newscasts in the evening or headlines of our papers, or our inner-city problems that exist in Miami, New York, and Los Angeles. They exist in every community of this Nation, and they are having a devastating impact on the social fabric of our communities and of our country.

So it is with this intense frustration that we all reach out to try to find a handle on this problem, to try to deal with it in Washington. People in Indiana say why does Washington not do more? Those of us in Washington representating those people say we are attempting to do this, but it is a complex, difficult, pervasive problem that no single law, no single statute, no amount of rhetoric can begin to solve the problem.

I wish there were a silver bullet; I wish there were a magic formula; I wish there were one single answer to solving the problem of illegal drugs. There is not. But what we have attempted in Washington is to do everything we possibly can as a Federal Government to do our part in the fight against drugs. We have labeled it a war on drugs.

When you are fighting in a war as pervasive as this, when you are fighting in a war as devastating as this, with consequences such as this, you need to apply all your assets and all your resources. So we have said at the Federal level, what can the Federal Government do to assist in this process?

We have put together now two comprehensive drug bills, one 3 years ago and one last year, that attempt to address the problem in as comprehensive and effective a way as possible, recognizing that a big component of the solution to the drug problem in the United States is on the demand side, and on the streets and in the school yards and the homes and factories where people ultimately have to make that moral commitment, and individual personal commitment to say no to drugs.

By the same token, they need to know that we are waging the war with all the assets at our disposal. The Congress 3 years ago, and reaffirmed a year ago, has said we will apply resources necessary to address this problem from supply to demand. It is very important that we show the American people that we are engaged in the fight, that we will do everything we can from the very point of origin all the way through the point of rehabilitation. In between those two points, there are a whole series of actions that have to be taken.

Now, the issue with which we are dealing this evening is the question of going to the root, going to the supply, going to the origin of the problem. The Congress has clearly spoken on two occasions and said that we have every right to expect absolute full cooperation on the part of our neighboring nations in working with us as partners to eradicate the supply.

Does that solve the problem? No, because we know in this large world of ours, with the mobility currently available to drug growers, they can simply shift that source of supply to another area. But does that mean we throw up our hands and say we make no effort? I submit it does not. I submit that the United States has every right to go to every nation in this world and sit down with its leadership and say, "You must fully cooperate with us in eradicating the source of drugs."

We recognize that we have plenty to do in terms of interdiction, plenty to do in terms of education, plenty to do in terms of operating on the demand side. But we have every right to operate on the supply side. When we are operating on the supply side, we have to go to the source. To go to the source, we need the cooperation of foreign nations.

Now, everybody in this body knows that there are nations in this world that are not fully cooperating in the eradication of supply. Everybody knows there are in fact a number of nations which we could name where there has been complicity in producing the supply of drugs which flow into this country, complicity by Government officials, complicity by Customs agents, complicity by military forces, and by police forces. And while governments may be making an attempt to eliminate that, they fall far short of the standard which we have

every right to expect and far short of the standard which is emobodied in the statutes of the United States and endorsed by a solid majority of both the House of Representatives and the Senate.

So when the State Department sends to us each year their report indicating that not one of those countries has cooperated less than fully and therefore does not deserve decertification, does not deserve any sanction whatsoever in terms of our foreign assistance to that country, it defies our belief, it defies our ability to come here and tell the American people every nation is fully cooperating with the United States in every way to eradicate the supply. We know that is a hoax. We know that is a sham.

So the Senate, as representatives of the people of this country, has every right to come here and say to those countries, "You are not fully cooperating. We want to work with you, but we have this evidence before us, and until you do fully cooperate, we will not fully cooperate with you in terms of our foreign assistance."

The Senator from Mississippi is simply trying to retain that statement of full cooperating embodied in the 1986 and 1988 Drug Abuse Acts which were endorsed by a solid majority of this Senate and the House of Representatives.

To transfer that authority back to a situation where we have to deal with diplomatic niceties and all the ramifications of the diplomatic process, offsets our ability to make one clear unequivocating statement, full cooperation in the eradication of the source of drugs. I do not doubt for 1 second there is any Member of this body who does not expect us to fulfill and pursue that standard. I am not here to get into the jurisdiction issue. All I am saying is we are facing a national crisis and a national emergency.

I do not think it is proper for the Senate to undo what has been so strongly recommended in two lengthy processes of putting together antidrug abuse acts which require full cooperation on the part of other nations that may be engaged in supplying drugs into this country.

We have a big job to do. This is only one small piece of the puzzle, but unless we demonstrate a commitment, an unequivocal commitment, a clear commitment, one without hedging, one without delay in every piece of the puzzle, from A to Z, with everything available at our disposal, unless we fully engaged the enemy at every point——

Mr. DODD. Will my friend yield at that point?

Mr. COATS. I will be happy to yield when I finish my statement.

Unless we engage the enemy at every point from supply to demand, we are not going to be successful. And unless we utilize every asset at our disposal, including foreign assistance that goes to nations supplying drugs into this country and the threat of removing that assistance, we will not be successful in the war on drugs and we will be sending a signal to the American people that we are less than fully committed.

Now I will be happy to yield to my colleague.

Mr. DODD. Will my friend from Indiana support an amendment to discharge the Finance Committee and the two House committees as well?

Mr. COATS. It seems to me the question at hand is jurisdiction of the Foreign Relations Committee.

Mr. DODD. Will my colleague support such an amendment? Then we have the trade issue, which I think will really put pressure on countries. Will he support such an amendment?

Mr. COATS. Of course, that question has been debated.

Mr. DODD. I am just asking——

Mr. COATS. I think the question before us, if I could reclaim my time, is whether the certification procedures as established in the law by the 1986 and 1988 Antidrug Abuse Acts shall remain there as endorsed by a solid majority of Congress. Why change it? I do not understand.

Mr. DODD. My colleague's major point was that we ought to do everything possible. If we accept that point, would he then be willing to accept and support an amendment to modify the existing amendment right now? The author can modify his own amendment to discharge all the committees that are named in the Drug Act of 1986 from their committee responsibilities. Let us do it by a vote of 100 to nothing. We can go after the trade issues in both the House and the Senate.

Will the author of the amendment modify his amendment in that regard so that all four committees are discharged so we can vote on trade issues and whether or not Mexico should get preferences on trade?

If we really want to fight drugs, let us modify the amendment.

Will the author of the amendment modify his amendment? Will my colleagues support such an amendment?

Mr. COATS. In response to the Senator, let me say there is an amendment before us. We obviously will look at it. There is no amendment before us on that.

Mr. DODD. Will the author modify the amendment?

Mr. COATS. The author is the Senator from Mississippi. That is the amendment that is before the Senate. Other amendments can be offered before the Senate. I am sure all Senators will look at the amendment to see whether or not it is justified. Right now the question before us is the amendment of the Senator from Mississippi. I hear no other amendment being offered. No other amendment has been laid down.

So it would be premature to speculate on what the support would or would not be. We have not even seen an amendment. We do not know what the words are. The Senator has not offered that amendment.

I rise in support of the amendment of the Senator from Mississippi, and I yield back my time.

Mr. DODD addressed the Chair.

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

Mr. DODD. Mr. President, I ask my colleague from Mississippi. Will he modify his amendment to cover all four committees?

Mr. LOTT. If the Senator will yield, if he would like to offer such an amendment, I am sure the body would be glad to consider it. Let me comment now. I understand the Senator yielded to me.

Mr. DODD. I asked a simple question of my colleague. Would he modify his own amendment?

Mr. LOTT. I will certainly consider the amendment, if the Senator would like to offer it. Let me explain that I did not cook this up. I did not pick on Foreign Relations. This was done 3 years ago in the omnibus drug bill in a bipartisan way.

Mr. DODD. I am asking a simple question.

Mr. LOTT. The Senator wants to make it appear that I am picking on Foreign Relations. I did not mean to do that.

Mr. DODD. Mr. President, I ask a simple question. The Senator from Connecticut does not have a pending amendment before this body. The Senator from Mississippi does.

Under the procedures of this body, the author of any amendment may modify his or her own amendment. I am asking a simple question of whether or not my colleague from Mississippi, given his outrage over the fact that we are doing nothing about drugs, would modify his own amendment to discharge all four committees so we may discuss on this floor, if any one Senator did raise the issue of trade, as well as aid—in both this body and the other. I accept their argument. They are incensed—that every Senator ought to be able to raise resolutions regardless of the import of the other 99 Senators, meritorious or not, and then let us do it on all committees. I will support him.

Will he modify his own amendment to cover all four committees?

Mr. DECONCINI. Mr. President, will the Senator yield?

Mr. DODD. Let me get the response. I heard the outrage. I would like to know whether or not the Senator would modify the amendment to cover

all four committees. A yes or no response is simple enough. It takes no time at all to do it.

Mr. LOTT. Will the Senator yield?

Mr. DODD. Of course. I am asking a question.

Mr. LOTT. I am going to preserve my amendment as offered since it would preserve the status quo. That is all I am asking here—the status quo.

As a matter of fact, the Senator voted for the omnibus drug bill of 1986. He voted for this procedure.

Mr. DODD. I admit that I did because I did not pick up on this. I apologize. I was ignorant of this provision of the law. That is the bill about 6,700 pages long. I did not pick up on this.

Mr. LOTT. If the Senator will yield, it has been on the books for 3 years. The Senator has debated it six times.

Mr. DODD. The Senator will not deny that I have been for 3 years trying to figure out a way to modify this provision. He knows that. I am asking a simple question of whether or not he will modify the pending amendment to cover the existing committees, and really deal with this issue. He answered me "No," which I think explains the point. We are picking on one committee.

If he really wants to go after drugs, we do not give any foreign aid to Mexico. We just got through beating up on Mexico. We do not give a nickel in foreign aid to Mexico. It is our second largest trading partner in the world.

If we really want to bring pressure to bear on Mexico, trade is the area, not aid. If we want to get to the trade questions, we have to discharge the Finance Committee, not the Foreign Relations Committee.

All I am suggesting is modify the amendment, and we will discharge those committees. If that is not the Senator's point, then I must say with all due respect that I do not think that he is being serious about this question.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. LOTT. Mr. President, if I could conclude——

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Since there is apparently no other debate, I will be very brief.

It was inferred earlier that we should change the procedure that has been in place for 6 years so we could deal intelligently with these issues. I maintain the full Senate can deal intelligently with it. Intelligence does not repose in one committee or a number of committees. We have that right here in the full Senate.

The Senate under the Constitution has a higher responsibility than foreign relations matters. That is why the Foreign Relations Committee is particularly noted here because this is a foreign relations issue involving drug trafficking. I understand the Senator speaking about the committee. I would be jealous of jurisdiction too. But I think we should look at the bigger picture and rise above the committee jurisdiction question.

I did not cook this process up. I am asking that the Senate have an opportunity as they have for the past 3 years to legitimately, intelligently bring up these certification questions so that all Senators will have a chance to express themselves and be heard.

I urge my colleagues to maintain the process so that we too, the other 81 of us, in the Senate can be involved in this most important drug-related issue.

Mr. D'AMATO. Mr. President, I rise today to cosponsor the amendment offered by Senator LOTT which preserves expedited Senate consideration of narcotics decertification resolutions.

A provision contained in the fiscal year 1990 State Department authorization bill threatens to put an end to such expedited consideration.

This provision would require that decertification resolutions first be reported by the Foreign Relations Committee before they could be considered by the Senate. Unless Senator LOTT's amendment passes, even if a decertification resolution is reported by the committees, it could still be subject to amendment and extended debate; that is, filibuster. Under current law, filibusters are not possible and no amendments or motions to recommit are in order.

The new provision contained in the State Department Authorization Act does treat the resolution as privileged but that only assures Senate consideration if the Foreign Relations Committee reports it to the full Senate.

The Lott amendment assures that the Senate will be able to consider decertification resolutions even if the committee does not report them. The Lott amendment strikes the new provision, and maintains the expedited procedures of existing law.

Expedited procedures under existing law preserve the right of the Senate to consider joint resolutions of disapproval within 45 days of a Presidential certification, regardless of whether the Foreign Relations Committee votes to report such a resolution.

The House, which does not have expedited procedures for resolutions of disapproval, has never debated a decertification resolution on the floor. This is a prime example of why the Senate must maintain the integrity of the decertification procedure as it currently stands.

Since the inception of the decertification law in 1986, the Senate has considered six resolutions of disapproval. It has disagreed with two Presidential certifications—Panama in 1987, and Mexico in 1988. It has defeated three resolutions of disapproval for the Bahamas—1987, 1988, and 1989—and one for Mexico, 1987.

The Senate must be guaranteed an opportunity to debate the level of cooperation of foreign nations in controlling the production and distribution of narcotics. The possibility that these resolutions, under the new provision, may never emerge from committee is a real concern. The American people demand that we address the international narcotics problem. To do any less, is to deny our obligation for full debate and vote on the issue.

The PRESIDING OFFICER. If there is not further debate, the yeas and nays have been ordered and the clerk will call the roll.

Mr. DODD. Mr. President, I move to table the amendment and I ask for the yeas and nays.

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

Mr. DODD. I move to table the pending 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 Chair inquires of the Senator from Connecticut for the purpose of clarification. Is the motion to table the second-degree amendment? This is the amendment submitted by the Senator from Mississippi [Mr. LOTT].

Mr. DODD. Yes, the second-degree amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Connecticut to lay on the table the amendment of the Senator from Mississippi. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from Delaware [Mr. BIDEN], and the Senator from California [Mr. BREAUX] are necessarily absent.

I further announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

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

The result was announced—yeas 25, nays 71, as follows:

[Rollcall Vote No. 126 Leg.]

YEAS—25

Bingaman	Inouye	Riegle
Bradley	Kassebaum	Robb
Byrd	Kennedy	Sanford
Danforth	Lieberman	Sarbanes
Daschle	Lugar	Sasser
Dodd	Metzenbaum	Simon
Durenberger	Mitchell	Simpson
Glenn	Moynihan	
Hatfield	Pell	

NAYS—71

Adams	Garn	McCain
Armstrong	Gore	McClure
Baucus	Gorton	McConnell
Bond	Graham	Mikulski
Boren	Gramm	Murkowski
Boschwitz	Grassley	Nickles
Bryan	Harkin	Nunn
Bumpers	Hatch	Packwood
Burdick	Heflin	Pressler
Burns	Heinz	Pryor
Chafee	Helms	Reid
Coats	Hollings	Rockefeller
Cochran	Humphrey	Roth
Cohen	Jeffords	Rudman
Conrad	Johnston	Shelby
Cranston	Kasten	Specter
D'Amato	Kerrey	Stevens
DeConcini	Kerry	Symms
Dixon	Kohl	Thurmond
Dole	Lautenberg	Wallop
Domenici	Leahy	Warner
Exon	Levin	Wilson
Ford	Lott	Wirth
Fowler	Mack	

NOT VOTING—4

Bentsen	Breaux
Biden	Matsunaga

So the motion to lay on the table was rejected.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the motion was rejected.

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

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, on behalf of Senator LOTT, I ask unanimous consent that the yeas and nays on the amendment be vitiated and that we proceed to a voice vote.

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

Mr. GORE addressed the chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee, Senator GORE.

Mr. GORE. Mr. President, I have an amendment that has been agreed to on both sides. I do not think it will take very long, but I spend it to the desk at this point.

The PRESIDING OFFICER. The Chair would remind the Senator that it would take unanimous consent.

Mr. GORE. Mr. President, I ask unanimous consent that the amendments we have been setting aside be set aside.

Mr. PELL. Mr. President, I suggest the Senate is not in order.

The PRESIDING OFFICER. Is there objection to setting aside amendments numbered 315 and 314?

Mr. HELMS. Reserving the right to object, I do not want this passed on until we have order in the Senate.

The PRESIDING OFFICER. The Senator is correct. The Senate is not in order. The Senate will be in order.

Mr. HELMS. Mr. President, what was the unanimous-consent request?

The PRESIDING OFFICER. The Senator from Tennessee requested unanimous consent that amendments 314 and 315 be set aside temporarily to proceed to an amendment that is being offered by the Senator from Tennessee.

Mr. HELMS. There is so much confusion, where does that leave the Lott amendment?

The PRESIDING OFFICER. The Chair did not hear the Senator's question.

Mr. HELMS. Where does that leave the Lott amendment?

The PRESIDING OFFICER. The Lott amendment is pending but would recur upon the disposition of the motion being proposed by the Senator from Tennessee.

Mr. GORE. Mr. President, I intended to ask unanimous consent to set aside those amendments that had been routinely set aside. If the ranking member of the committee and the chairman of the committee wish to go ahead with the Lott amendment, I did not intend to interfere with the flow of business where that amendment is concerned.

Mr. HELMS. I thank the Senator for his courtesy. I would prefer to go ahead and finish it.

Mr. GORE. I withhold my request, Mr. President.

The PRESIDING OFFICER. The Senator's request to propose an amendment has been withheld.

VOTE ON AMENDMENT NO. 315

The PRESIDING OFFICER. Is there further debate on the Lott amendment No. 315 to the Wilson amendment No. 314? If not, the question is on agreeing to amendment No. 315 proposed by the Senator from Mississippi [Mr. LOTT].

The amendment (No. 315) was agreed to.

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

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 314, AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California [Mr. WILSON], as amended by the amendment by the Senator from Mississippi [Mr. LOTT].

The amendment (No. 314), as amended, was agreed to.

Mr. GORE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee, Senator GORE.

AMENDMENT NO. 316

Mr. GORE. Mr. President, I send an amendment to the desk. It has, as mentioned earlier, been worked out on both sides. I have worked very closely with the Senator from New Mexico [Mr. DOMENICI].

Mr. President, this is an amendment on global warming and global climate change and ways in which our Nation can prepare a more intelligent response to that threat.

Mr. DOMENICI. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senator from Tennessee has the floor. Other Senators are requested to continue their conversations in the cloakroom.

Without objection, the other amendments are set aside and the clerk will report the amendment of the Senator from Tennessee.

The bill clerk read as follows:

The Senator from Tennessee [Mr. GORE] proposes an amendment numbered 316.

Mr. GORE. 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:

Insert at the end of title VI, the following new section:

The Secretary of State, shall, six months after entry into force of this legislation, submit to the Congress a report of the political, economic, commercial, and security implications of assistance to foreign countries in the form of systematically organized and financed transfers of technology for the purpose of improving energy efficiency and reducing carbon emissions to the atmosphere. The report shall review the extent to which such transfers may be deemed in the net interests of the United States. In conducting such review, the Secretary shall consider benefits of reduced emissions of greenhouse gases that would result from such transfers as well as any concerns regarding potential political, economic, commercial, or security risks. Said report is to include comments of the Secretary of Defense, the Secretary of Energy, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency.

Mr. GORE. Mr. President, I thank my colleague from New Mexico for his courtesy. I have enjoyed working with him on this issue and on this amendment and on the second-degree amendment which will shortly be proposed which has also been worked out on both sides. We have jointly worked on both of these amendments.

The first-degree amendment provides that:

The Secretary of State, shall, six months after entry into force of this legislation, submit to the Congress a report of the political, economic, commercial, and security implications of assistance to foreign countries in the form of systematically organized and financed transfers of technology for the purpose of improving energy efficiency and reducing carbon emissions to the atmosphere.

The report is supposed to review the extent to which transfers may be deemed in the net interest of the United States and the Secretary is supposed to consider the benefits of reduced emissions of greenhouse gases in consultation with other parts of the Federal Government.

I will not belabor this issue this evening because there is agreement on

this but, suffice it to say in brief, Mr. President, that I believe that the global environmental problems we now face should be seen as issues of national security.

They have within them the potential for destabilizing the international order; for causing massive flows of illegal immigration, political instability in many countries as well as, of course, the degradation of the environment, the ability to grow food, and many, many other problems.

The greenhouse effect and the other problems which are part of the global climate challenge, represent together the most serious environmental challenge this world has ever faced. This begins to move the State Department more rapidly in the direction that all of us recognize we should be moving. Again, I wish to acknowledge my debt to the Senator from New Mexico for many excellent suggestions in crafting this amendment and this points us toward a strategic environment initiative, an initiative which I think is eminently in our national interest.

Mr. President, many of us have come to share the belief that humankind has suddenly entered into a brand new relationship with the planet Earth, and that human civilization is, in its current pattern, causing grave and perhaps soon irreparable damage to the ecological system which supports life as we know it.

My purpose is to sound an alarm loudly and clearly—of imminent and grave danger—and to describe a strategy for confronting this crisis, with changes in our collective behavior and thinking which, if made, can forestall and prevent the horrendous prospect of an ecological collapse.

First, why is such an alarm necessary? Do we need a crisis before we can act?

Sometimes in human affairs a pattern is well set before its implications are felt in our daily lives. This is true both in politics and in science. When shattered glass filled the streets of Berlin on Kristallnacht, few could conceive of the holocaust to follow. But from a distance, the pattern is now clear. When the first atom was split, few could conceive of nuclear bombs. But when Einstein wrote Roosevelt, the pattern was clear.

How much information is needed by the human mind to recognize a pattern? How much more is needed by the body politic to justify action in response?

It took a long time for the world to respond to Hitler. Because of Hitler, it took only a short time for Roosevelt to respond to Einstein.

In a classic experiment often cited, a frog dropped into a pot of boiling water quickly jumps out. But the same frog, put in the water before it is slowly heated, will remain in place until it is boiled.

The meaning of a pattern is conveyed by contrast as opposed to sameness. Sameness lulls the senses and conveys an absence of danger. Gradual change sometimes resembles sameness, obscuring danger from minds which reserve their alertness for sharp contrasts. Exponential change at first resembles sameness, then gradual change, then explosive contrast.

It is often hard to recognize the shape of an exponential curve before it reaches the explosive stage it is difficult because the contrast essential to undersanding very large patterns is sometimes visible only from a distance.

If an individual or a nation is accustomed to looking at the future 1 year at a time, and the past in terms of a single lifetime, then many large patterns are concealed. If a political body looks at policies in the context of a single nation, then the global impacts will remain invisible.

When you consider the relationship of the human species to the planet Earth, not much change is visible in a single year, in a single nation. Yet, if you look at the entire pattern of that relationship from the emergence of the species until today, a distinctive contrast in very recent times clearly conveys the danger to which we must respond. It took 10,000 human lifetimes for the population to reach 2 billion. Now, in the course of a single human lifetime—mine and yours—it is rocketing from 2 billion toward 10 billion, and is already halfway there.

Startling graphs showing the loss of forest land, topsoil, stratospheric ozone, and species all follow the same pattern of sudden, unprecedented acceleration in the latter half of the 20th century. And yet, so far, the pattern of our politics remains remarkably unchanged.

The Earth's forests are being destroyed at the rate of one football field's worth every second, one Tennessee's worth every year. An enormous hole is opening in the ozone layer, reducing the Earth's ability to protect life from deadly ultraviolet radiation. Living species die at such an unprecedented rate that more than half may disappear within our lifetimes. Chemical wastes, in growing volumes, seep downward to poison ground water and upward to destroy the atmosphere's delicate balance. Huge quantities of carbon dioxide, methane, and chlorofluorocarbons dumped in the atmosphere are trapping heat and raising global temperatures.

In 1987, carbon dioxide levels in the atmosphere began to surge with record annual increases. Global temperatures are also climbing: 1987 was the second hottest year on record; 1988 was the hottest. Scientists now predict our current course may raise world temperatures almost 5 degrees Celsius in the lifetimes of people in this room. The last time there was such a shift, it was 5 degrees colder: New York City was under 1 kilometer of ice. If 5 degrees colder over thousands of years produces an ice age, what could 5 degrees warmer produce in one lifetime?

Why are these dramatic changes taking place? Because the human population is surging, because the industrial, scientific, and technological revolutions magnify the environmental impact of these increases, and because we tolerate self-destructive behavior and environmental vandalism on a global scale.

The problem in organizing our response is that the worst effects seem far off in the future, and they are so unprecedented they seem to defy common sense. While right now, in the present, millions of people are suffering in poverty and dying of starvation, warfare, and preventable diseases. How do we deal with these immediate problems and at the same time confront the problems of the future? One of the philosophers of the environmental movement, Ivan Illich, in a recent interview, explained the sudden environmental activism of Margaret Thatcher, Mikhail Gorbachev, and other world leaders previously uninterested in the global environment by saying "what has changed is that our common sense has begun searching for a language to speak about the shadow our future throws."

Science already has such a language. Have you ever seen the picture showing how time and space are shaped by mass, with a black hole pictured as a deep well in a grid, with the space and time around the well sloping toward it? Human political awareness is shaped by history in precisely that way. Our political awareness of the world is shaped and bent by events. Large events like World War II exert a powerful gravitational pull on every idea we have about the world around us. The Holocaust shapes every idea we have about human nature.

And just as in Einstein's theory, future events can exert the same gravitational pull on our thinking as events in the past—even though the events in the future have not yet occurred.

Time is relative in politics as in science. The political will which made possible the mass political protests against escalating the nuclear arms race came from awareness of a downslope toward a future we did not want to see. Many felt us being pulled toward a nuclear war that would crush human history forever into a black hole. We are now changing our course away from that downslope, we hope, and taking a new direction—even though 99.99 percent of all human beings on Earth have never seen, heard, or personally felt nuclear de-

struction. The awareness of that potential future event came from political communication, with abstract symbols, like words.

Now, throughout the world, we are witnessing the emergence of a new political will to take a different course in order to avoid the slope toward global environmental destruction. We see the catastrophe coming, we hear Rachel Carson's "Silent Spring". The slope seemed gradual at first but now it is steep. We feel strongly pulled toward ecological collapse by the policies we are now pursuing.

I, personally, became deeply involved in the effort to avoid a nuclear holocaust 9 years ago because I felt the slope toward that horrendous possibility. And I tried to bring to the task the skills of my profession. I believe all this talk about the global environment as a national security issue makes a great deal of sense in political terms.

For the past 13 years, as a citizen and as a Member of the U.S. Congress, I have had longstanding interests in both the environmental threat and in national security. As a practical matter, I have dealt with these subjects as separate intellectual accounts: Involving distinct areas of public policy, each with its own completely different set of concerns and participants.

Yet, they grow more and more alike. National security comprises matters that directly and imminently menance the interests of the state, or the welfare of the people. As such, these issues command the attention of political leaders at the highest level, with a proportionate claim on the resources of government and the wealth of the Nation. If society were an organism, national security would involve the instinct for survival.

To this point, the national security agenda has been dominated by issues of military security, embedded in the context of global struggle between the United States and the Soviet Union: A struggle which the protagonists have often waged through distant surrogates, but which has always harbored the risk of direct confrontation and nuclear war.

Given the changes in Soviet behavior which have begun under Gorbachev, there is growing optimism that this long, dark period may be passing. There is also hope this will open the international agenda for other urgent matters and for the release of enormous resources, now committed to war, toward other objectives.

Many hope that the global environment will be the new dominant issue. They assert that a collective, international struggle for stability in the ecosystem will succeed the old pattern of national struggle for temporal power, and will justify the preemption of enormous resources, and reshape the public consciousness in support of another long, global struggle.

I am deeply in sympathy with this view, and yet as someone who has worked hard on both issues, I believe the analogy must be used very cautiously. The United States-Soviet struggle has lasted almost half a century, consumed several trillions of dollars, cost us close to 100,000 American lives in Korea and Vietnam, and has profoundly shaped the psychological and social consciousness of our people. Much the same could be said of the Soviets, who, if anything, have endured far more than have we for the sake of their ideology.

Nothing is automatic or foreordained about the course of United States-Soviet relations, no matter how many editorial writers now claim the "Cold War Is Over." Nothing relieves us of our present responsibilities for defense or of the need to conduct painstaking negotiations to limit arms and reduce the risk of war. The old agenda is with us still, exacting its price in wealth, creativity and the attention of statesmen.

And yet, environmentalists are right.

Certainly, there is strong evidence the new enemy is at least as real as the old. For the general public, the shocking images of last year's drought, or of beaches covered with medical garbage, inspired a sense of peril once sparked only by Soviet behavior. But for environmental specialists, the steady flow of data from scientific investigations of the environment—often ambiguous, but always menacing—is eerily equivalent to intelligence collection against the more familiar Soviet threat. The U-2 spy plane, for example, now is used to monitor not missile silos but ozone depletion.

Already, we are seeing governments struggling to resolve issues whose domains go far beyond anything in our experience. Debate over the disposition of radioactive wastes, for example, involves choices that must remain valid across geological time. The species now disappearing at an unprecedented rate will never return. The global climate pattern could shift to a new equilibrium and never regain its former pattern.

In the not distant future, there will be a new "sacred agenda" in international affairs: policies that enable the rescue of the global environment. This task will one day join, and then perhaps, even supplant, preventing the world's incineration through nuclear war, as the principal test of statecraft.

However, in thinking about environmentalism as a national security concern, it is important to differentiate between what would—in military jargon—be called the level of threat. Certain environmental problems may be important but are essentially local; others cross borders, and in effect represent theaters of operations; and still others are global and strategic in nature.

On this scale, even phenomena as important as the slow suffocation of Mexico City, the deaths of northern forests in America and Europe, or even the desertification of large areas of Africa, will likely not be regarded as full scale national security issues.

However, the greenhouse effect and stratospheric ozone depletion fit the profile of national security issues of global significance. These phenomena certainly will in time produce effects big enough to threaten international order, even at the level of war and peace. In the case of global warming, the fact that some of the worst effects will not fully manifest themselves until the middle of the next century is offset by the fact that actions we take now will determine the extent of the damage later.

When nations perceive that they are threatened at the strategic level, they may be introduced to think of drastic responses, involving sharp discontinuities from everyday approaches to policy. In military terms, this is the point when the United States begins to think of invoking nuclear weapons. The global environment may well involve responses that are, in comparative terms, just as radical. Not just business as usual, not just incremental variations but massive departures from the norm.

Nuclear war is an apocalyptic subject, and so is global environmental destruction. We are dealing here with increasingly credible forecasts of climatic dislocations, vast changes in growing cycles, innundations of coastal areas and the loss to the sea of vast territories—some of them very heavily developed and populated. We also are dealing not only with a threat to human health, but unpredictable and potentially vast changes to all life at the surface of the Earth and the seas, as the result of prolonged exposure to increased ultra-violet radiation.

What's more, despite some progress made toward limiting some sources of the problem, such as CFO's, we have to face the stark fact that we have barely scratched the surface. Even if all other elements of the problem are solved, a major threat is still posed by emissions of carbon dioxide, the exhaling breath of the industrial culture upon which our civilization rests. The implications of the latest and best studies on this matter are staggering. We must be honest about them. Essentially, they tell us that with our current pattern of technology and production, we face a Hobson's choice between economic growth in the near term, and massive environmental disorder as the subsequent penalty.

This central fact cuts across the face of all environmental strategies as we generally think of them. It suggests

that the notion of environmentally sustainable development at present may be an oxymoron, rather than a realistic objective. It declares war, in effect, on routine life in the advanced industrial societies. And—central to the outcome of the entire struggle to restore global environmental balance—it declares war on the Third World.

The Third World does not have a choice about whether or not it will develop economically. If it does not develop economically, poverty, hunger and disease will consume entire populations. And long before that, whole societies will experience revolutionary political disorder. Rapid economic growth is a life-or-death imperative throughout the Third World. The peoples and governments of the Third World will not be denied that hope, no matter the longer-term costs for the global environment.

And why should they accept what we, manifestly, will not accept for ourselves? Who is so bold as to say that any nation in the developed world is prepared to abandon industrial and economic growth? Who will proclaim that any nation in the developed world will accept even serious compromises in levels of comfort, for the sake of global environmental balance? And who will apportion these sacrifices; who will then bear them?

Development, of course, is part of the problem as well as the solution. We know that, just as we know that nuclear deterrence depends on the weapons we are trying to render obsolete.

The effort to solve the nuclear arms race has been complicated not only by simplistic stereotypes of the enemy and the threat he poses. It also has been complicated by simplistic demands for immediate unilateral disarmament, without any basis for a widely shared confidence that the original threat is no longer real.

My own belief is that perceptions must evolve simultaneously in both superpowers as technology evolves similtaneously in both countries, as conscious efforts are made to improve information about the other, about the nature of the threat, and the confidence we can summon that the threat is in fact changing and receding.

In similar fashion, the effort to solve the global environmental crisis will be complicated not only by blind assertions that more and more environmental manipulation and more and more resource extraction are essential for economic growth. It will also be complicated by the emergence of simplistic demands that development, or technology itself, must be stopped for the problem to be solved. This is a crisis of confidence which must be addressed.

We must acquire sufficient knowledge of the Earth's system to judge when it can heal itself, and when it is necessary for us to intervene. For example, when 40,000 children die of disease and starvation every 24 hours, we obviously must intervene. But it is past time to recognize that many of society's interventions in the environment have been and are unwise. Much ecological destruction is subsidized by governments. We need more knowledge, more experience, and the kind of sensitive judgments that modern doctors have learned to make.

The cross cut between the imperatives of growth and the imperatives of environmental management, represents a supreme test for modern industrial civilization. The test is whether we can devise very dynamic new strategies which will accommodate economic growth within a stabilized environmental framework.

That is an extreme demand to place upon technology. There is no real assurance that such a balance can in fact be struck. Nevertheless the effort must be made. And because of the urgency, scope and even the improbability of complete success in such an endeavor, I am strongly tempted to use a military term for a metaphor. To deal with the global environment, we will need the environmental equivalent of the strategic defense initiative, a strategic environment initiative.

I have been an opponent of the military SDI. But even opponents of SDI recognize this effort has been remarkably successful in drawing together previously disconnected Government programs, in stimulating the development of new technologies, and in forcing upon us a wave of intense new analysis of subjects previously thought to have been exhausted.

We need the same kind of focus and intensity, and similar levels of funding, to deal comprehensively with global warming, stratospheric ozone depletion, species loss, deforestation, ocean pollution, acid rain, air and water, and ground water pollution, and all of the problems degrading the world's environment. In every major sector of economic activity—energy, agriculture, manufacturing, and transportation, for example—a strategic environment initiative must identify and then spread sets of increasingly effective new technologies: Some that are already well in hand; some that need further work, though well understood in principle; and some that are revolutionary ideas whose very existence is now a matter of speculation.

Let me briefly illustrate:

Energy is the lifeblood of development. Unfortunately, today's most economical technologies for converting energy resources into usable forms of power—as in burning coal to make electricity—release a plethora of pollutants. An energy SEI should focus on producing the energy of development without compromising the environment. Chief on the near term list of alternatives are energy efficiency and conservation; on the midterm list, solar power, possibly new generation nuclear power, biomass—with no extraneous pollutants and a closed carbon cycle—as well as enhanced efficiency; and long term, nuclear fusion, as well as enhanced versions of solar, biomass, nuclear energy, and energy efficiency.

In agriculture, we have witnessed vast growth in Third World food production through the green revolution, but often that growth relied on heavily subsidized fertilizers, pesticides, irrigation, and overall mechanization, sometimes giving the advantage to rich farmers over poor ones. We need a second green revolution, to address the needs of the Third World's poor: a focus on increasing productivity from small farms on marginal land, with low-input agricultural methods.

These technologies, whose components are not only technological, but financial and political, may be the key to satisfying the land hunger of the disadvantaged and the desperate who are slashing daily into the rainforest of Amazonia—leaving behind the depleted soil of their first homesteads. It may also be the key in the battle to arrest the desertification of sub-Saharan Africa, where human need and climate stress are now operating in a deadly partnership.

Fortunately, the next wave of agricultural improvements is almost upon us—from biotechnology. In my view, we should carefully push forward work on new crop strains with genetic encoding that allows natural resistance to pests, disease, and droughts; not to mention improved yield. Of course, biotechnology will not completely solve the problems that arise from inadequate distribution of food supplies—they are most often due to a failure of politics, not crops.

In addition, new industrial processes, new materials, and increased use of recycled materials, will all become important to sustainable development.

Needed in the United States probably more than anywhere, is a transportation SEI focusing in the near term on improving the mileage standards of our vehicles, and encouraging and enabling Americans to drive less. In the midterm, come questions of alternative fuels, such as biomass-based liquid fuels or electricity. And in the mid- and long-terms come the inescapable need for reexamining the entire structure of our transportation sector, and its inherent demand on the personal vehicle for efficient transport.

The U.S. Government should organize itself to finance the export of energy-efficient systems, and of renewable energy sources. That means preferential lending arrangements through the Export-Import Bank, and Overseas Private Investment Corp.

Encouragement for the Third World should also come in the form of attractive international credit arrangements for energy efficient and environmentally sustainable processes. Funds for this lending stream would be generated by institutions such as the World Bank, which, in the course of debt swapping, might dedicate new funds to the purchase of environmentally sounder technologies.

Finally, the United States, other developers of new technology, and international lending institutions, should establish centers of training at locations around the world, to create a core of environmentally educated planners and technicians, in order to make the ground fertile for sowing environmentally attractive technologies and practices; an effort not unlike that which produced agricultural research centers throughout the world during the green revolution.

With this SEI, we must transform science and technology to make it more efficient, consume less of the Earth's natural resources, and emphasize waste minimization, recycling, and the use of renewable resources in harmony with the natural world. We must start by quickly obtaining massive quantities of information about the global processes now underway—through, for example, the Mission to Planet Earth Program of NASA.

And we also must target first the most readily identifiable and correctable sources of environmental damage. I have introduced a comprehensive legislative package to effectively halt chlorofluorocarbon, carbon tetrachloride, methyl chloroform, and halon emissions, and to promote development of technologies to replace those that now rely on CFC's. Earlier this year, I introduced the World Environment Policy Act of 1989, a far-ranging bill to address virtually every aspect of the global environmental crisis, including CFC's and CO_2.

In order to accomplish our goal we also must transform global politics, shifting from short-term concerns to long-term concerns, from conflict to cooperation.

The evidence of the last 6 months leads me to believe we have the capacity for this change. Just as the equilibrium of an environmental system can suddenly change from one State to another, the equilibrium of one political system can suddenly change from one State to another. We politicians are frequently adept at symbolic action, a pretense of change without the substance of change. And for that reason, my optimism is tempered by awareness of the power in the forces of greed and fear. But I do believe we have the capacity for what is needed—because the challenge can now be accurately described in terms of national security.

Some may believe that the idea of the environment as a national security issue is just rhetoric. Most of us in this room, however, accept it as a statement of fact. But, we also know that just as the world has been living with the possibility of manmade disaster in the form of nuclear war, so it now lives with the growing threat of man-made disaster in the form of catastrophic environmental failure.

In many ways, it is the same basic dilemma. In each case, our survival was threatened at a basic, primal level—the fear of death from attack by an enemy, the fear of death from running out of food. To each threat, we responded with more and more efficiency. The increasing sophistication of our technology has enabled us to confront each threat to our survival with more powerful response. And in each case, the effort to secure our survival has instead threatened our survival.

Moreover, even if we are successful this time in meeting the needs of our survival and preserving the world environment, it probably won't be the last time we'll face this basic problem. Genetic engineering may pose the same dilemma all over again. In the effort to protect ourselves against disease, we're creating a new and more powerful technology and ultimately will confront us with the same historic challenge to human nature and the same hubristic relationship of our species to the limits nature has designed for us as part of the world ecological system.

As a result, it is hard to escape the conclusion that we must also transform ourselves—or at least the way we think about ourselves, our children, and our future. This last transformation is the most essential, and yet the most difficult. If there is one cause for the prevailing pessimism about our ability to meet this unprecedented challenge, it is the belief by many that we are incapable of the change in thinking required.

And yet, there are precedents which give cause for realistic hope. Human sacrifice and slavery were both once commonplace in human societies, yet both are now obsolete. Our thinking was transformed. These changes, like most changes in global climate patterns, took place over a long period of time. But now, just as climate changes are telescoped into short periods of time, we must create in a single generation changes in human thinking of a magnitude comparable to the change that brought about the abolition of slavery. Yet once again, we must remind ourselves that the pattern of change required is visible only from a distance.

In this case, we cannot rely on science to give us a new point of view for it is partly responsible for the problem. In ways not yet fully understood, the scientific revolution itself changed the way we saw ourselves in relation to the world. We detached ourselves from nature to examine the physical world. In a kind of Heisenberg principle writ large, we altered—without realizing it—the nature of what we began to examine. The new pattern of thinking we must now create is one in which we once again see ourselves as a part of the ecological system in which we live. What we now lack is a sense of the proper location of our species in the ecosystem. We have lost our eco-librium.

How then can we gain sufficient distance from oursleves to see a pattern which contains ourselves in a larger context? My own religious faith teaches me that we are given dominion over the Earth, but that we also are required to be good stewards of the Earth. If we witness the destruction of half the living species God put on this earth during our lifetimes as a result of our actions, we will have failed in the responsibility of stewardship. Are those actions, because of their result, "evil"? The answer depends not upon the everyday nature of the actions, but upon our knowledge of their consequences. In an examination of Hitler's lieutenants, Hannah Arendt coined the memorable phrase "the banality of evil." The individual actions which collectively produce the world's environmental crisis are indeed banal when they are looked at one by one: the cutting of a tree, the air conditioning of a car.

"Evil," and "good" are terms not used frequently by politicians. But in my own view, this problem cannot be solved without reference to spiritual values found in every faith. For many scientists on the edge of new discoveries in cosmology and quantum physics, the reconciliation of science and religion sometimes now seems near at hand. It is a reconciliation not unlike the one we seek between man and nature.

But even without defining the problem in religious terms, it is possible to conclude that the solutions we seek will be found in a new faith in the future of life on earth after our own, a faith in the future which justifies sacrifices in the present, a new moral courage to choose higher values in the conduct of human affairs, and a new reverence for absolute principles that can serve as guiding stars by which to map the future course of our species and our place within creation.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico [Mr. DOMENICI].

AMENDMENT NO. 317 TO AMENDMENT NO. 316

(Purpose: Expressing the Sense of the Senate that the United States should take the lead to convene an International Energy Conference to bring countries of the World together in order to develop clean energy technologies to meet future energy needs)

Mr. DOMENICI. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The Senator from New Mexico [Mr. DOMENICI], for himself, Mr. WIRTH, and Mr. CHAFEE, proposes an amendment numbered 317 to amendment No. 316.

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

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

The amendment is as follows:

At the end of the pending amendment add the following:

SEC. .

FINDINGS.—The Senate finds that—

(1) The population of the World is predicted to double within the next 36 years;

(2) About 90 percent of this enormous increase will occur in developing nations;

(3) Many scientists are predicting significant increases in the planet's mean temperature in the next 50 to 60 years as the result of the accumulation of carbon dioxide and other gases that are a product of energy consumption;

(4) Increases in energy consumption will accompany the significant increase in population;

(5) Such increased energy consumption will lead to increased emissions of "greenhouse gases", which could lead to even greater increases in temperature;

(6) The United States possesses the scientific and technical expertise to develop new clean energy technologies to meet future energy needs of this planet:

Now, therefore, it is the Sense of the Senate that the President of the United States should persuade other world leaders to join in convening an International Energy Conference, or use the occasion of the third plenary session of the Intergovernmental Panel on Climate Change, to bring the Nations of the World together to focus attention on international energy problems. Such effort will identify ways and means of assisting lesser-developed nations in the development of their energy needs, through efficient and clean energy technologies that will mitigate the alterations to the atmosphere that cause global warming.

Mr. DOMENICI. Mr. President, the amendment is a sense of the Senate resolution, calling on the President to persuade other world leaders to join in convening an International Energy Conference. The purpose of the conference would be to bring nations of the world together to focus attention on international energy problems, as well as to consider ways of assisting lesser-developed nations through technology transfer and financing in order to mitigate the problem of global warming.

Mr. President, I am joined by Senators CHAFEE and WIRTH in proposing this amendment.

The amendment would serve to equate global warming with energy policy and hopefully elevate the importance of future energy decisions.

For some time, many scientists have been predicting that the accumulation of carbon dioxide and other gases will raise the planet's mean temperature in the next 50 to 60 years by 3 to 4 degrees centigrade, the same increase that brought us out of the Ice Age 18,000 years ago.

Because this issue is so complex scientifically, it is not clear whether or not these forecasts are accurate.

However, one thing is absolutely certain—that the number of people on this planet will continue to increase at a startling rate. In fact, the United Nations Population Fund now predicts that by the year 2025, the world population will double in size. It is predicted that 90 percent of that increase will occur in the lesser developed nations.

And a fundamental component of economic growth in those developing countries will be energy. With the combination of growth in population and economic advancement, it is certain that energy demand will expand.

And since the burning of fossil fuels is tied so very closely to what appears to be a warming of the planet, we confront a situation we dare not avoid.

With all this in mind, I must say we will not suddenly scale down energy use. Such a change would be politically unsustainable in the United States and Europe. And the developing nations will not accept the fact that they cannot improve their standard of living.

Consequently, it is imperative that the United States—a nation with the capability of developing alternative sources of energy and new clean energy technology—take the lead in addressing future energy problems that will confront the world.

If our country were to unilaterally reduce our emissions of greenhouse gases, future growth in other parts of the world would more than offset any reductions we made. Therefore, since the United States is already developed, we are in a position to help lesser developed countries through technology transfer and through financial assistance.

Much good work is already being undertaken by the United States-chaired, Response Strategies Working Group of the Intergovernmental Panel on Climate change. It is my understanding that the countries of Japan and China head a subgroup that is looking at energy issues.

However, since global warming is essentially an energy issue, we must bring energy concerns to the forefront. What is important is that we begin to focus international attention on the need to meet future energy demands without wreaking havoc on our environment. Common sense dictates that we do something now to avoid irreversible damage in the future.

It will only be through a coordinated international effort that the lesser-developed countries will be able to leap into the future without committing horrendous damage to this planet. An International Conference on Energy is a forum to accomplish this need, and I urge my colleagues to support this amendment.

Mr. President, when I was born 57 years ago, the population of the world was 2 billion. It is estimated that by 2025 the population will be no less than 8.5 billion. Most probably, 10 billion. That sounds almost incredible but it means that the population of the world will at least be 4½ times larger, by 2025, than the year I was born and maybe 5 times as high.

There is much being said about the greenhouse effect on the various climatic factors which will have great consequence on this Earth. But essentially, whether one believes or has enough information regarding the greenhouse effect or not, and some will say there is not enough, the truth of the matter is that this 8.5 to 10 billion people, 5 times as many as in 1932, are going to consume large quantities of energy.

In fact, their proportionate add of energy will be even greater than the additional population because the population increase will be almost entirely in underdeveloped countries which currently, on per capita basis, have low standards of living and use small quantities of energy. I do not believe it should be their fate, nor do I think it should be their fate, that they remain as such forever. As a matter of fact, they are going to increase their standard of living and, in doing so, they are going to use huge amounts of new energy.

I think, consistent with our ideas and our ideals, we hope they grow and prosper.

Essentially, what we are doing in the amendment of the Senator from Tennessee and mine which modifies it, is to call to the attention of the executive branch, in his case, and to the President in my case, the amendment of the Senator from New Mexico, that it is incumbent upon the United States as the world leader to bring together all those countries which are going to be helping the underdeveloped countries. It is incumbent on us to urge that we set out on a path of helping them develop their energy sources in the cleanest possible way; that we make available in an orderly manner the clean energy technologies that we are the leader in so that, as the underdeveloped countries develop, they will know that we are trying to help them

grow and prosper but to do so with a minimal adverse environmental contribution.

I believe it is inevitable that we do this if we intend to maintain our standard of living and if we intend to clean up our pollution. The truth of the matter is that more will be contributed by the new growth than we can possibly reduce. But since we are so developed and use such a large quantity today and contribute almost 25 percent of the carbon dioxide, obviously the growing countries are going to expect that we do more.

We should be on their side, urging that they grow and that we and others help them with the cleanest possible energy technology and energy sources. I think this will work. It is going to take a long time and this is just a first step, in the instance of the underlying amendment, asking for certain very specific information from the Department of State with the assistance of the Department of Energy and others.

In the amendment that I offer we are asking the President to take advantage of either the forthcoming conference or a subconference of the forthcoming greenhouse conference, or to call another conference with reference to energy and energy alone with countries that are going to be aiding those who want to grow and need our help.

To the end that we work out some mutually beneficial approaches to this, I do believe those developing countries are going to use what energy they need to prosper and grow, but I believe they can be in a cooperative manner assisted to use the cleanest possible energy technologies. They will not have the technology. They will not have the desire unless the free industrial nations help them.

The amendment of the Senator from New Mexico urges that the President use the great prestige of his office to bring countries together to that end.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee [Mr. GORE].

Mr. GORE. Mr. President, I wish again to make clear that I very strongly favor the second-degree amendment. Both amendments have been worked out in concert.

I compliment not only the author of the second-degree amendment, but his cosponsors. The Senator from Colorado [Mr. WIRTH] has been a particularly close ally in this effort, and the Senator from Rhode Island, Senator CHAFEE, has long been very active in this, as has the chairman of that particular subcommittee, Senator BAUCUS, who is the head of the global warming task force here on this side of the aisle. We are all very pleased to be working with him.

I do not think there is any more important problem that we will debate or deal with on the floor of this Senate in this Congress than the global environmental challenge that is so unprecedented. Even though this is worked out and hopefully it will be adopted on voice vote, I want to highlight it because it shows that this body is moving toward a much more serious, comprehensive response to the global environmental challenge.

Again, I compliment my partner and colleague in this effort.

The PRESIDING OFFICER. Is there additional debate? The Chair recognizes the Senator from Colorado [Mr. WIRTH].

Mr. WIRTH. Mr. President, it was clear at last week's G-7 economic summit in Paris that global environmental issues are inching their way to the forefront of international diplomacy. The summit communique contained 13 pages on environmental concerns and some progress was made toward addressing the greatest environmental challenge we face—global warming. These are promising developments, Mr. President, because all nations, particularly the industrialized world, must work together to get a handle on this issue.

First and foremost on the domestic and international global warming agenda must be energy policy. The majority of so-called greenhouse gases entering the earth's atmosphere can be traced to the production and use of energy. In short, it is becoming increasingly clear that energy and environmental policy are inextricably linked. At present, energy use and greenhouse gas emissions are the product of the industrialized world. The NATO and Warsaw Pact nations account for more than 70 percent of today's emissions. Given current demographic and development trends, however, the Third World's energy use and contribution to global environmental decline looms ominously on the horizon.

We must immediately seek to work with other nations to craft international energy policies that make environmental and economic sense. The amendment being offered by my friend from New Mexico, Senator DOMENICI, would help forward these aims.

This amendment urges the President to help convene a major International Energy Conference. The aim of this conference should be to consider strategies for promoting economic and energy development that is clean and sustainable, particularly in the developing world.

We in the United States have both a great deal to share with and learn from the developing world. Our technological expertise in solar, renewable and energy efficient technology should be the cornerstones of the Third World's short-term energy future. And this conference can focus on international cooperation to craft long-term efforts to develop clean, large-scale sources of power.

I do not wish to take too much of the Senate's time, but I did wish to commend this amendment to my colleagues. I understand that Senator GORE is working on a separate, but related amendment, and I want to commend Senator GORE, once again, for his continued leadership in the effort to address the global warming issue.

Environmental decay knows no boundaries. If one country uses chlorofluorocarbons, it affects the ozone layer that affords equal protection to all countries. Acid rain precursors produced in one State falls on others. Nations that burn their forests and nations that consume large amounts of fossil fuel per capita contribute to atmospheric loading of carbon dioxide, but we all get warm together.

Global cooperation to clean up the energy we use is critical to the environmental health of the planet. And no one nation can take on these weighty matters by themselves. For our part, however, the United States can show leadership. It is time for all nations to sit down and sort out the most promising opportunities to create an energywise and environmentally considerate future. That is what this amendment is all about and I urge my colleagues to join me in supporting it. Again, I commend the senior Senator from New Mexico for his farsightedness in crafting this amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts [Mr. KERRY].

Mr. KERRY. Mr. President, as a member of the full committee of the Foreign Relations Committee as well as the Subcommittee of the Innternational Economic Affairs and Environment, I welcome both of these amendments which embrace a concept that we in fact discussed within the committee during the markup. The chairman has graciously agreed that the Foreign Relations Committee Environment Subcommittee will be having hearings to progress on a larger package which we decided was too complicated to attach to this specific bill at this time. But the effort of the Senator from Tennessee, who has been a leader in awakening the American consciousness with respect to the seriousness of this issue, as well as the Senator from Colorado and the Senator from New Mexico, is extremely well taken and timely. I agree completely with the Senate from Tennessee.

This issue is going to transform the politics of the world. It is going to change all of the dynamics of relationships between nations, of developing economies and of all of our policies.

And it is going to be incumbent upon the Foreign Relations Committee, and indeed all the committees of the Con-

gress, to determine exactly how our foreign relations policies are going to be defined in the context of the tensions that will rise as developing nations argue for their share of the economic pie while at the same time trying to do so in a way that the developed nations are insisting is commensurate with the demands of global warming, as well as a host of other issues—toxic, chemical, hazardous waste, pesticides, ground water.

There is not one issue relating to the ecosystem that is not going to start to dominate this discussion. I think it is a very well thought-out effort which is important in terms of any foreign relations bill, and I am delighted that the chairman intends to move the committee more forcefully into a position to be considering a larger international package which is critical in terms of the IMF, the World Bank, the Inter-American Development Bank, all of our lending policies, and so forth. So I welcome the amendment.

I thank the distinguished Senators from Tennessee and New Mexico for their leadership on this issue.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island [Mr. PELL].

Mr. PELL. Mr. President, I concur with the remarks that have been made by the Senator from Massachusetts. I think the amendment is a good one, as amended, and would urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina [Mr. HELMS].

Mr. HELMS. I thank the Chair.

We are prepared to accept the two amendments on our side.

I must be candid with both distinguished Senators. The administration has indicated to me it has more problems that we will work on in conference, but I am prepared to accept them.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to amendment No. 317 offered by the Senator from New Mexico, the second-degree amendment to the amendment offered by the Senator from Tennessee.

The amendment (No. 317) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 316 as amended, offered by the Senator from Tennessee.

The amendment (No. 316), as amended, was agreed to.

Mr. GORE. Mr. President, I move to reconsider the votes by which the amendments were agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska [Mr. EXON].

Mr. EXON. Mr. President, what is the pending business before the body?

The PRESIDING OFFICER. Amendment No. 269 is the pending amendment before the body.

Mr. EXON. I ask unanimous consent that the pending amendment be set aside for the purpose of the Senator from Nebraska offering an amendment.

The PRESIDING OFFICER. The Chair would interpret that as a request for all three pending amendments to be set aside.

Without objection, it is so ordered.

AMENDMENT NO. 318

(Purpose: To end the blanket refusal of student visas to Chinese students currently residing in Japan)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON] proposes an amendment numbered 318.

At the appropriate place in the bill add the following:

STUDENT VISAS FOR CHINESE STUDENTS IN JAPAN

( ) The United States Embassy in Japan shall not deny student visas to nationals of the Peoples Republic of China currently in Japan based solely on the recent political events in China, where the student can demonstrate an ability to meet all other requirements of a student visa and demonstrate that the student initiated an education plan prior to June 4, 1989, which included study in the United States.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska [Mr. EXON].

Mr. EXON. Mr. President, I will be brief. The amendment has been cleared on both sides. I want to give a brief description.

Several weeks ago, I was contacted by Mr. Gary Bartholomew, of York, NE, regarding Chinese students presently residing in Japan who were preparing to come to the United States for college study. I rise to offer this amendment which will help these students escape their current international legal limbo.

Mr. President, the basic situation is this: There are about 115 private colleges in the United States that have had an ongoing program of taking qualified Chinese students and bringing them to be educated in the United States. But before they can come here, they are required to go to Tokyo where they receive an accelerated course on English, and then they have to meet other academic standards. They cannot come to the United States unless they meet the English standards and unless they have grades that are acceptable.

The education visas are required to be issued and have been issued on a regular basis by our State Department officials in Tokyo. This has somewhat changed with the recent trouble in mainland China.

This amendment has nothing to do with immigration quotas; it has nothing to do with any changes whatsoever. It merely directs in the bill the State Department should continue to issue education visas on the same basis that they have in the past, including the certification if they were a student, they are a student, and they are qualified to enter the various colleges in the United States, scattered all over the United States.

It is a shame that this has been interrupted by the difficulties in China, and I think that we should pass this as part of this bill and make clear what the U.S. Senate wants to do in this area.

Mr. Bartholomew is the president of American College Locators International [ACLI], a consortium of 35 small independent and primarily religious colleges in 17 States. These schools have aggressively recruited Asian students to study at their colleges.

This arrangement has been ideal for international students who wish to study in the United States and for American schools looking for ways to cope with the declining numbers of college age American students.

For quite some time, Mr. Bartholomew and ACLI have been working with a group of students from mainland China. There are at least 350 ACLI students in Japan learning English and preparing for study in the United States under the ACLI Program.

Even though it is United States policy to consider Chinese visa requests on a case-by-case basis, I have been informed that the U.S. Embassy in Tokyo has been summarily denying ACLI and other Chinese student visa requests based solely on the political changes in mainland China.

This blanket policy is most unfair. Each of the ACLI students have been in Japan preparing to study in the United States prior to the current problems in China. Some students have been in Japan for up to 2 years. You can imagine the disappointment among these students when after working so hard and so long their visa for travel to the United States is summarily denied.

These students are financially responsible and have the means to support themselves in the United States. In the Case of ACLI students, they have committed to pay their tuition in full and in advance. The U.S. Embassy blanket policy has placed these students in an unfortunate international legal limbo.

Not only would it be a grave injustice to these students to reverse their long held plans to study in the United States, it would impose a serious financial burden on the American schools which were expecting these students to enroll for the fall term. The ACLI estimates that each student in their program will spend an average $10,000 a year on room, board, tuition and books. Most of the participating institutions are small religious schools with some expecting 10 or more Chinese students. The economic impact of the Tokyo Embassy's visa action is serious indeed. This loss of enrollment could seriously compromise the economic well-being of some of the participating colleges.

I have contacted Secretary Baker and the State Department about this problem. Unfortunately, the State Department has been unable to resolve this matter administratively. With the fall school term quickly approaching, the need for action is urgent.

The amendment I offer is simple and straightforward. It states that—

The U.S. Embassy in Japan shall not deny student visas to nationals of the People's Republic of China currently in Japan based solely on the recent political events in China, where the student can demonstrate an ability to meet all other requirements of a student visa and demonstrate that the student initiated an education plan prior to June 4th, 1989 (the date of the Bejing massacre) which included study in the United States.

The amendment is simple and straightforward. It is narrowly drawn and would only affect those Chinese students who were in Japan preparing for study in the United States prior to the Bejing massacre. The amendment does not seek special treatment; it only seeks fairness.

I encourage my colleagues to carefully consider the equity of the situation. These Chinese students are in Japan for the purpose of preparing for study in the United States. Current policy has left these bright young students stranded in Japan, unable to safely return home and unable to move forward as they had long planned. If they were to return to China, it would be unlikely that the Chinese Government would grant new exit visas.

For the American colleges involved, the policy poses a severe economic loss. I ask my colleagues to support this amendment and correct this unfortunate problem.

Mr. President, I ask unanimous consent that a list of the 35 schools affected by the current U.S. Embassy student visa policies be printed in the RECORD.

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

ACLI NETWORK OF COLLEGES AND UNIVERSITIES

[As of April 5, 1989]

Alderson-Broaddus College, Philippi, West Virginia, Dr. W. Christian Sizemore, President.

Belhaven College, Jackson, Mississippi, Dr. I. Newton Wilson, Jr., President.

Buena Vista College, Storm Lake, Iowa, Dr. Keith G. Briscoe, President.

California Baptist College, Riverside, California, Dr. Russell R. Tuck, President.

College of Saint Mary, Omaha, Nebraska, Dr. Kenneth Nielsen, President.

Columbia Christian College, Portland, Oregon, Dr. Gary Elliott, President.

Dakota Wesleyan University, Mitchell, South Dakota, Dr. James Beddow, President.

Dallas Baptist University, Dallas, Texas, Dr. Gary Cook, President.

Dana College, Blair, Nebraska, Dr. Myrvin Christopherson, President.

Davenport College, Grand Rapids, Michigan, Donald W. Maine, President.

Faulkner University, Montgomery, Alabama, Dr. Billy D. Hilyer, President.

Florida Southern College, Lakeland, Florida, Dr. Robert Davis, President.

Hannibal-La Grange College, Hannibal, Missouri, Dr. Paul Brown, President.

Hardin-Simmons University, Abilene, Texas, Dr. Jesse C. Fletcher, President.

Johnson & Wales University, Providence, Rhode Island, Dr. Morris J. W. Gaebe, President.

Kansas Wesleyan College, Salina, Kansas, Dr. Marshall Stanton, President.

King College, Bristol, Tennessee, Dr. Donald, R. Mitchell, President.

Lubbock Christian University, Lubbock, Texas, Dr. Steven Lemley, President.

McPherson College, McPherson, Kansas, Dr. Paul Hoffman, President.

Michigan Christian College, Rochester Hills, Michigan, Dr. Milton Fletcher, President.

Midland Lutheran College, Fremont, Nebraska, Dr. Carl Hansen, President.

Northwestern College, Orange City, JA, Dr. James Bultman, President.

Ohio Valley College, Parkersburg, West Virginia, Dr. Keith Stotts, President.

Oklahoma Christian College, Oklahoma City, Oklahoma, Dr. J. Terry Johnson, President.

Ottawa University, Ottawa, Kansas, Dr. Wilbur Wheaton, President.

Queens College, Charlotte, NC, Dr. Billy O. Wireman, President.

Sioux Falls College, Sioux Falls, South Dakota, Dr. Tom Johnson, President.

Sterling College, Sterling, Kansas, Dr. Roger Parrott, President.

Tabor College, Hillsboro, Kansas, Dr. Levon Balzer, President.

Tarkio College, Tarkio, Missouri, Dr. Roy McIntosh, President.

Texas Wesleyan University, Fort Worth, Texas, Dr. Jerry G. Bawcom, President.

Trevecca Nazarene College, Nashville, Tennessee, Dr. Homer J. Adams, President.

Wartburg College, Waverly, Iowa, Dr. Robert Vogel, President.

Westmar College, Le Mars, Iowa, Dr. Arthur Richardson, President.

Mr. HELMS. The amendment of the distinguished Senator has been cleared on this side.

Mr. President, I ask unanimous consent to be added as a cosponsor.

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

Is there further debate on the amendment offered by the Senator from Nebraska?

The Chair recognizes the Senator from Rhode Island, Senator PELL.

Mr. PELL. Mr. President, this is, I believe, a good amendment and has been cleared on both sides of the aisle. I believe we should support it.

The PRESIDING OFFICER. Is there further debate?

If not, the question is agreeing to amendment No. 318 offered by the Senator from Nebraska.

The amendment (No. 318) was agreed to.

Mr. HELMS. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COATS. 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. COATS. Mr. President, I have an amendment that I would like to offer.

The PRESIDING OFFICER. The Chair would remind the Senator that it will require a unanimous consent to again lay aside the three pending amendments.

Mr. PELL. Mr. President, I ask the Senator form Indiana if he would withhold for the time being. We are trying to get together a list. If he wants to talk on the amendment, fine, but I wish he would not pursue it at this juncture.

Mr. COATS. I will be happy to withhold. Are those cleared amendments you are attempting to get?

Mr. HELMS. Exactly.

Mr. COATS. I withhold and will offer the amendment at the proper time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 319

(Purpose: To establish a date for the submission of a coordinated national policy on global climate change)

Mr. PELL. Mr. President, I send to the desk an amendment by the Sena-

tor from Colorado [Mr. WIRTH] and ask for its immediate consideration.

The PRESIDING OFFICER. The Chair will remind the Senator there are three pending amendments.

Mr. PELL. I ask unanimous consent that the pending amendments be set aside.

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

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL], for Mr. WIRTH, proposes an amendment numbered 319.

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

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

The amendment is as follows:

At the appropriate place in the bill insert the following:

SEC. . Section 1103 of Public Law 100-204 is amended:

(1) by inserting at the end of subsection (b), "The President shall submit to Congress a coordinated national policy on global climate change by February 1, 1990."

Mr. PELL. This amendment, which calls for a report on the subject of environment by a date certain, has met with the approval of both sides of the aisle, and I hope it will be supported.

Mr. WIRTH. Mr. President, I rise today to offer a very simple amendment on a topic of great concern to this body and the world. Two years ago, Congress passed the Global Climate Protection Act of 1987 as part of the State Department authorization bill. This act directed the President to submit to Congress a coordinated national policy on global climate change.

During the past 18 months, global environmental issues, and global warming in particular, have been elevated to the top of the international policy agenda. As was graphically demonstrated at last week's economic summit in Paris, there is a new diplomatic currency in global environmental negotiations. Indeed, the 1989 G-7 meeting was dubbed the first "green summit."

As it always has, the United States should be the world's leader in global environmental cooperation. President Bush pledged last year to apply the "White House effect" to the greenhouse effect. My amendment simply asks the President to submit a coordinated national policy on global climate change by February 1, 1990. I am confident that the President intends to give his full attention to the global warming phenomenon, so this amendment should not be burdensome to the administration.

In short, this amendment puts a timetable on the initiative we established 2 years ago during the 100th Congress. It allows the President to clearly and fully annunciate to the American people his strategy for addressing the greatest environmental threat we have ever faced. I look forward to working with the administration and other Senators on these matters and I urge my colleagues to join me in support of this amendment.

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

The amendment (No. 319) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 320

(Purpose: To require not less than 12 hours each day of Voice of America broadcasts into the People's Republic of China)

Mr. HELMS. Mr. President, I ask unanimous consent the pending amendments be laid aside temporarily.

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

Mr. HELMS. I send an amendment to the desk on behalf of the Senator from Wisconsin, Mr. KASTEN, and ask it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for Mr. KASTEN, proposes an amendment numbered 320.

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:

On page 75, after line 8, insert the following new section:

SEC. 222. VOICE OF AMERICA BROADCASTS TO THE PEOPLE'S REPUBLIC OF CHINA.

For fiscal year 1990, the Voice of America shall broadcast its programs not less than 12 hours each day into the People's Republic of China.

On page 5, in the table of contents, after the item relating to section 221, add the following new item:

"Sec. 222. Voice of America broadcasts to the People's Republic of China.".

On page 55, line 4, strike out "$182,424,000" and insert in lieu thereof "$183,924,000".

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

Mr. KASTEN. Mr. President, on June 4, Tiananmen Square in Beijing was a scene of brutality and murder. It was the final act of the drama of hope enacted by the people themselves in the self-styled People's Republic.

Since then, it has been reported that some 10,000 students, intellectuals, teachers, union leaders and other counterrevolutionaries had been arrested—often in the dark of night. The bureau chief of the Voice of America was ordered out of the country. Three workers were executed in Shanghai, 17 in Jinan (Hinan), and 7 in Beijing. Many more have been sentenced.

Another 50 army officers were executed and 2 generals were arrested in early June for disobeying orders to attack the students in Tiananmen Square. The hardliners of the Communist Party have even—ridiculously—pointed the finger of blame at the Republic of China's government in Taiwan.

Today, the open rebellion is over. We all watched as the 7th Field Army knocked down the Goddess of Liberty.

Premier Li Peng announced that there had been no massacre in Beijing, and that most of those who died were soldiers fighting nobly to quash an organized rebellion.

Too often, dictatorships are held aloft by just such an edifice of lies. As Americans—as lovers of liberty and believers in freedom and the ideal that truth will indeed make us free—it is our duty, our national task, to keep truth alive.

The truth—the real story of Tienanmen Square—was supplied by Western camera crews. That story must continue to be told, not just to Americans, but most especially to the people of China.

I am offering an amendment that will do just that. It provides for 12 hours of broadcast time for Voice of America transmissions to China. The Voice of America—also known as VOA—is listened to by an estimated 60 million people in China. During the demonstrations, the audience was estimated to have grown to 100 million. Many of these listeners were concentrated in the urban coastal areas where the anti-Communist unrest took shape.

VOA used to broadcast 9 hours a day to China. After the massacre, they began broadcasting 12½ hours a day. My amendment will require that the VOA continue to broadcast for the additional 3½ hours throughout 1990.

Mr. President, as China continues to devour her children it becomes more essential than ever that we preserve the Chinese people's avenues of communication with the outside world. Truth is the food which nourishes the human spirit, and American democracy is the breadbasket of Chinese hope. We must not allow this dream to die from neglect; when we cannot do much, it is all the more important that we do all we can.

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

The amendment (No. 320) was agreed to.

Mr. PELL. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 321

(Purpose: To enhance the capability of the Department of State to evacuate U.S. citizens)

Mr. PELL. Mr. President, this is a technical amendment offered in behalf of Senator ADAMS to enhance the capability of the Department of State to evacuate U.S. citizens.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL], for Mr. ADAMS, proposes an amendment numbered 321.

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

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

The amendment is as follows:

On page 28, between lines 5 and 6, insert the following new section:

SEC. 127. ENHANCEMENT OF EVACUATION CAPABILITY.

(a) Section 102(b) of the Diplomatic Security Act of 1986 (22 U.S.C. 4801(b)) is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by redesignating paragraph (5) as paragraph (6);

(3) by inserting after paragraph (4) the following new paragraph:

"(5) to set forth the responsibility of the Secretary of State with respect to the safe and efficient evacuation of U.S. Government personnel, their dependents and private United States citizens when their lives are endangered by war, civil unrest, or natural disaster; and"

(b) Section 103 of the Diplomatic Security Act of 1986 (22 U.S.C. 4802) is amended—

(1) by redesignating paragraphs (b) and (c) as paragraphs (c) and (d) respectively;

(2) by inserting after paragraph (a) the following new paragraph:

"(b) OVERSEAS EVACUATIONS.—The Secretary of State shall develop and implement policies and programs to provide for the safe and efficient evacuation of United States Government personnel, dependents and private U.S. citizens when their lives are endangered. Such policies shall include measures to identify high risk areas where evacuation may be necessary and, where appropriate, providing staff to United States Government missions abroad to assist in those evacuations. In carrying out these responsibilities, the Secretary shall:

"(1) develop a model contingency plan for evacuation of personnel, dependents and U.S. citizens from foreign countries;

"(2) develop a mechanism whereby American citizens can voluntarily request to be placed on a list in order to be contacted in the event of an evacuation, or which, in the event of an evacuation, can maintain information on the location of American citizens in high risk areas submitted by their relatives.

"(3) assess the transportation and communications resources in the area being evacuated and determine the logistic support needed for the evacuation;

"(4) develop a plan for coordinating communications between embassy staff, Department of State personnel and families of U.S. citizens abroad regarding the whereabouts of those citizens."

Mr. PELL. Mr. President, this amendment has been cleared on both sides of the aisle. I trust it will be supported.

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

The amendment (No. 321) was agreed to.

Mr. HELMS. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 322

Mr. HELMS. Mr. President, I ask unanimous consent that the pending amendments be laid aside temporarily.

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

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] for Mr. BIDEN, proposes an amendment numbered 322.

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:

Strike "PART C—INTERNATIONAL DEBT EXCHANGES AND THE ENVIRONMENT", of Title VI, and insert in lieu thereof the following:

"PART C—INTERNATIONAL DEBT EXCHANGES AND THE ENVIRONMENT

"SEC. 631. SENSE OF THE CONGRESS RESOLUTION REGARDING ENVIRONMENTAL POLICY AND INTERNATIONAL DEBT EXCHANGES.

"(a) POLICY.—It is the sense of the Congress that the Secretary of Treasury, should include support for sustainable development and conservation projects when providing a framework for negotiating or facilitating exchanges or reductions of commercial debt of foreign countries.

"(b) GOAL.—In assisting or facilitating the reduction of debt of heavily indebted foreign countries, either through bilateral institutions or multilateral institutions such as the International Monetary Fund or the World Bank, the Secretaries of State and Treasury shall support efforts to provide adequate resources for sustainable development and conservation projects as a component of the restructured commercial bank debt of that country.

"(c) CRITERIA.—In providing that support, the Secretaries shall seek to assure that:

"(1) the host government, or a local nongovernmental organization acting with the support of the host government, has identified conservation or sustainable development projects it will target for assistance;

"(2) there will be in place an organization, either governmental or nongovernmental, that will have the commitment to assure the long-term viability of the project;

"(3) the allocation of the resources provided for conservation and sustainable development projects through the debt restructuring agreement is done in a manner that will not overwhelm or distort economic conditions in the host country.

"SEC. 632. REPORTS.

"(a) Within 120 days of enactment of this act, the Secretary of the Treasury shall provide a report to the Senate Foreign Relations Committee and the Speaker of the House on the methods that will be used to incorporate environmental considerations into debt restructuring plans.

"(b) The Secretary shall include in the annual Multilateral Development Bank environmental report a section providing a summary and analysis of the support provided to conservation and sustainable development projects as a part of major agreements to restructure a country's foreign debt."

Mr. HELMS. This amendment has been cleared on both sides.

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

The amendment (No. 332) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Indiana [Mr. COATS].

Mr. COATS. Mr. President, I ask unanimous consent that the pending amendments be temporarily laid aside.

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

AMENDMENT NO. 323

(Purpose: To insure that there is a democratically elected government in Panama before a new Administrator of the Panama Canal Commission may be appointed)

Mr. COATS. Mr. President, I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. COATS] for himself, Mr. HELMS, and Mr. BOREN, an amendment numbered 323.

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

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

The amendment is as follows:

At the end of the bill, add the following new section:

"SEC. . APPOINTMENT OF THE NEW ADMINISTRATOR OF THE PANAMA CANAL COMMISSION.

Title 22, United States Code, section 3613 is amended by adding before the period the following: "; *Provided*, That no Administrator may be appointed to fill a new term unless and until the President certifies to Congress that the ruling government of Panama is democratically elected according to procedures specified in the Constitution of Panama providing for a civilian government in control of all Panamanian military and paramilitary forces.".

Mr. COATS. Mr. President, judged only by its priority in the press, you would know there continues to be a wrenching crisis in Panama. Long ago the news cameras folded their tripods and silently stole away. It is, after all, no easy task to capture fear on film.

But though the media may have come to the end of its patience, Panama has not come to the end of its pain. For that unfortunate nation there is no comfort in its anonymity. It has slipped into a pale, monotonous routine of repression—unrelieved by even the faintest hope.

Panama's political institutions have been violently wrung of their legitimacy in the vice of Manuel Noriega's avarice and ambition.

The victors in its latest election remain deprived of their rightful power by despotic whim.

Panama remains, under Noriega's protection, a virtual free-trade zone for drug shipments, with traffickers given the run of Panama's banks and airports.

And now this same criminal regime—a government that has beaten and imprisoned its political opponents, targeted American citizens for harassment, and fostered narcoterrorism with grinning expediency—has evidently handpicked a candidate for administrator of the Panama Canal they intend to forward for Senate confirmation.

I think I can say with assurance that this Congress would admit no limit to the depth of its disdain for that choice and its source. I say it because I have seen the evidence.

During the last few months the Congress has not hesitated to take concrete actions, signaling to Panama our support of its democratic institutions, and expressing our intractable opposition to Noriega's illegitimate rule.

Our efforts began with a sense of the Senate resolution I introduced in May. It stated that we would not accept any new administrator of the Panama Canal unless and until the United States President could certify to the Senate that the Government of Panama is elected according to its own constitution. And, after considerable debate, it was adopted overwhelmingly by this body.

The measure survived conference, was sent to the President, and then signed.

In June, Congressman SOLOMON offered identical language as an amendment to the Foreign Assistance Act. It was adopted in the House by voice vote.

That legislation made its point. But now we finally have the chance to reaffirm and extend that commitment by adopting a binding version of the same language.

The purpose of the legislation before us is simple and its message is direct. As long as Noriega's drug dictatorship remains in power—as long as he stands against Panama's democratic will—the ordinary transfer of control outlined in the canal treaties will halt dead in its tracks. Manuel Noriega and his military supporters cannot count on our inattention. There is no time limit on our resolve—no expiration date to our outrage. The canal administrator must be selected by a legitimate government. And until that condition is met, the Congress pledges to withhold its consent.

To Noriega this measure promises serious and unrelenting resistance to his illusory authority. It asserts that the nonnegotiable precondition for the normal and orderly transition of control over the canal is, quite simply, his absence. He, not anyone else, is the obstacle. He, not anyone else, stands in the way.

To the democratically elected Government of Panama, it pledges our recognition of its legitimacy—rooted in the Panamanian popular will. It is only when they pick the canal administrator that he will be recognized. It is only when that official has their support that he will have our support as well.

I can already imagine certain objections to this measure. First, it might be charged that it violates our commitments under the Panama Canal Treaty.

But refuting this allegation only requires a glance at the text of the legislation. This is not a change of any sort in the Panama Canal treaties, much less their abrogation. It deals only with American law—not provisions that have been negotiated with any foreign nation. It is simply an instrument for the expression of congressional resolve—a method to ensure our message is not mistaken. It outlines the criteria for our consent—criteria we can set according to whatever principles we choose.

Second, it might be alleged that Noriega could exploit this action for his own propaganda purposes. He might try to characterize any pressure from the United States as an imperialistic attempt to regain control of the canal.

I certainly do not put anything of this sort past Noriega. The ancient Greeks had a saying, "Any excuse will serve a tyrant." But of the range of excuses Noriega might employ to strengthen his hand, this is undoubtedly the most transparent.

How could it possibly offend Panamanian pride to recognize and deal with the government legitimated by their own election? We are simply saying that we will only deal with the government they themselves have approved. It seems to me that ignoring their democratic choice would be more likely to embitter than pacify. Respecting that choice would only invite their respect. And it is a belief that has been confirmed in my own discussions with elements of the Panamanian opposition.

Give the people of Panama a little credit. Noriega has been trying to sell these tired ploys for years. But none has ever given him the legitimacy he desperately seeks. His rule is not supported by an appeal to Panamanian patriotism. It is supported by the bayonet. And the Panamanian people have always been able to tell the difference.

I have, in fact, written a letter to the Secretary of State, asking him to communicate with the ministers of the Organization of American States to make the intention of this legislation perfectly clear. In this letter I emphasize that nothing could be further from my intentions than to abrogate the Panama Canal treaties. This legislation is a method to further isolate Noriega and recognize the authority of Panama's legitimate government to appoint the new canal administrator.

Finally, it might be argued that the timing for these actions might undermine the efforts of the OSA—meeting today to deliberate on options to deal with Noriega. Some might say that we should wait on their pronouncements and actions. But I am convinced that delay, in this case, is not a matter of prudence, it is a missed opportunity to lead.

The Senate is not historically accustomed to the role of reaction. What the Greek statesmen Pericles said of the Athenians is equally true of this body, "We do not imitate—for we are a model for others." When the Senate speaks its intractable opposition to Noriega, we set the standard for others to match.

And today I challenge the OAS to match it. Conjure your conviction, steel your nerves, and match it. The evidence is compelling. The need is great. And your soul is at stake. For those who have surrendered to compromise, who have become captive to timid doubt, finally lose the ability to believe in anything, even in their own courage.

Sending Noriega and his lawless confederates into well deserved exile will not be simple. They cling so tenaciously to power precisely because they are harassed in their guilty souls by the fear of ever-approaching retribution.

Taken alone, the measure before us would not be enough to achieve our goal. But it would be one resolute voice, leading a swelling chorus of impatient disapproval. To paraphrase Winston Churchill, it would not be an explosion, but the kindling of a fire which rises steadily hour by hour, to an intense furnace heat of condemnation.

Mr. President, now is the time to feed this fire. The legislation before us will make clear to Noriega that longevity does not mean legitimacy. It will reaffirm our support and recognition of Panama's democratic government. And it will apply pressure at a time when Noriega might feel secure behind a comforting shield of obscurity.

This legislation takes the measure of our continued commitment. I strongly urge my colleagues to support it.

Mr. President, this amendment that I am offering is the same amendment that I offered several weeks ago. It is a sense-of-the-Senate resolution to the supplemental appropriations bills. The Senate debated it at length. The matter was voted on. I do not believe we need a great deal of discussion.

Let me briefly explain it. It simply states that the appointment under the section providing for the appointment of a new administrator of the Panama Canal Commission, which is earmarked in the United States Code, title 22, section 3613—it amends that to say that in the appointment of the new administrator of the Panama Canal Commission no administrator may be appointed to fill a new term unless and until the President certifies to Congress that the ruling Government of Panama is democratically elected according to procedures specified in the Constitution of Panama, providing for a civilian government in control of all Panamanian military and paramilitary forces.

Mr. President, under the current treaty governing the transfer of the canal, the administrator of the canal will change on January 1, 1990. The American administrator's term will end the day before. A new Panamanian administrator will be appointed to conduct the administration of the canal.

This amendment which, as I said, was debated at length previously in the Senate and voted on simply says that it is not acceptable to the United States that an administrator appointed by General Noriega would be acceptable to the U.S. Senate as new administrator. And, therefore, we provide the specific prohibition against the appointment of that administrator until such time as the President certifies to us that the ruling Government of Panama is democratically elected.

I believe this is an important signal that the Senate needs to send to General Noriega that we have a clear, unequivocal position that the United States Senate and the United States people will not accept an administrator that he appoints; and, second, a signal to the Panamanian opposition forces that the United States stands foursquare behind their efforts to establish a democratically elected Government in Panama.

This does not refute the treaty. It does not violate our commitments under the treaty. It outlines simply for our consent that we will not accept the appointment of a new administrator.

I think it is an important statement that the Senate makes, that it simply will not be tolerable for the American people to accept such a situation.

I am urging my colleagues to support the amendment.

The PRESIDING OFFICER (Mr. CONRAD). Is there further debate on the amendment?

Mr. PELL address the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. As I understand, this amendment is a manadatory one. It is not a sense-of-the-Senate. It is mandatory.

Mr. COATS. That is correct. It would be binding.

The reference to the sense-of-the-Senate was the amendment offered earlier to the supplemental appropriations. It will sustain language, except it is a binding amendment, not a sense-of-the-Senate.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I am curious. I have just one question, the same question I asked my good friend I think about 3 weeks ago when he offered this amendment the last time. Do we know where the administration is on this amendment?

Mr. COATS. As the Senators knows, we have protracted discussion about that several weeks ago. To the best of my understanding the administration was concerned that this might send a confused signal to the members of the OAS which were meeting to determine what sanctions if any they might impose against General Noriega. They were concerned that this amendment not be offered before they met. They went into executive session today at 3 p.m. I assume they are concluded. If they are not, they are in executive session.

So I do not believe this will have any adverse affect on whatever decision they might make. Therefore, I believe without that we do not run into a conflict.

Mr. DODD. I appreciate my colleague's response to the question. We are told they are opposed to it. But I suspect what we are revisiting here—rather than go through the process we did 2 or 3 weeks ago where my good friend from Indiana and I sat here back and forth trying to figure out where the administration was—they were saying something to him and saying something to us. I suspect that is what we are faced with again.

I have reached a conclusion on these matters. If the administration cannot make up its mind on these questions, I do not know why others of us here ought to challenge the good judgment of our colleague from Indiana.

So in my view here, frankly, I am not going to take the time of this body. If we cannot get a clear statement from the White House or others as to whether or not this amendment they think makes sense from a foreign policy standpoint or not, Mr. President, I stand here in support of my colleague's amendment from Indiana because I give up trying to figure out where the administration is on these questions. If we can get some guidance and some clear view, I think a lot of us would be willing to stand up and at least make a case.

If you cannot get the President, if you cannot get the Secretary of State, if you cannot get the ambassadors to come up with a straight story to tell the Senator from Indiana and the Senator from Connecticut, give us the same message, frankly, I do not know why we ought to take the time of this body arguing among ourselves.

So I am delighted to support my colleague from Indiana. He may be disappointed that I am cosponsoring or supporting the amendment. I do not want to cause him to withdraw the amendment having received that endorsement.

I congratulate him on the amendment. He did very well with the last sense-of-the-Senate resolution. This amendment really, as I understand it, just codifies what the sense-of-the-Senate resolution did several weeks ago.

Mr. COATS. That is correct. I thank the Senator for his support.

I will spare the Senate reading the statement presented to us 3 weeks ago because it seemed to support both of our positions.

I would state to the Senator that I have in the interim discussed this amendment with several individuals of the democratic opposition in Panama. They have unanimously supported the language which I have provided, do not see it as a measure of our support for the democratic forces, and do not see it as any way giving General Noriega a propaganda tool or anything that he could use in solidifying his support; just to the contrary.

So I thank my colleague from Connecticut for his support.

I urge the adoption of the amendment.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I understand the administration opposed this amendment specifically. But since nobody sees fit to be representing the administration, and they have made no effort to have that view advanced on that side of the aisle as it should be advanced, I will join my colleague from Connecticut, and in the spirit of defeatism, and support the amendment.

Mr. COATS. I thank the Senator from Rhode Island, and perhaps the old song "Silence is Consent" is applicable in this instance.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, the administration has a problem on this side because I do not know anybody on this side who opposes the amendment of the distinguished Senator from Indiana. Certainly I support it. I supported it on June 1 at which time an effort was made to table it.

Mr. President, on June 1, I cosponsored with Senator COATS and others a sense of the Senate resolution regarding the appointment of an Administrator of the Panama Canal Commission. At that time, the motion to table our resolution failed 63 to 31. The amendment we are offering today is exactly the same one agreed to on June 1, except we are proposing to make it binding.

Since the last Senate debate on this issue, events in Panama have only worsened. Noriega continues to maintain power through the barrel of a gun, rather than accepting the results of the ballot box. He continues to use his goon squads to intimidate the people of Panama into passivity. He has rounded up dozens of political opponents and thrown them into jail without the benefit of even a kangaroo trial. And this week, Noriega kicked out five top colonels from the defense forces without explanation.

Mr. President, there are those in this Government who do not want to act until they consider that either the canal or American interests are at risk. I submit that both of those were at risk as long as 10 years ago when Noriega sold his soul and his country to the Medellin drug cartel. Noriega has engaged consistently in the worst kind of narco-militarism. He has used his position to amass illegitimately a personal fortune estimated at as much as $1 billion. His closest competitors seem to be the drug lords, or former Mexican Presidents.

U.S. interests have been at risk for a long time. In the past year there have been almost 1,500 recorded incidents of harassment against U.S. military personnel and their families. If that is not sufficient cause for action, I wonder what is.

Not only are U.S. interests at stake; so are those of our neighbors in this hemisphere. Noriega has solidified his already strong ties with Fidel Castro and Daniel Ortega. And in the opinion of this Senator, the triple alliance of Noriega-Castro-Ortega is as great a threat to U.S. interests as one could imagine.

Mr. President, just this past weekend, a bullet from an AK-47 rifle flew through the window of the child of a U.S. Army colonel. The Pentagon has said that the bullet came from the vicinity of the Panama Defense Forces compound. The bullet landed less than a foot from the child's bed. But maybe next time an American family will not be so lucky.

Mr. President, today the issue is whether or not the President should appoint a new Administrator of the Panama Canal Commission, an Administrator of Noriega's choice.

Last month, the Panama Legislative Assembly—controlled by Noriega—attempted to pull the wool over our eyes by changing the law to say that the assembly would elect the new Administrator—not Noriega. They promptly moved to elect a life-long Noriega crony to the post. The man chosen was Mr. Thomas Altamirano Duque, a congressman from Noriega's party, and the printer of the Government lottery tickets. It is well known that the profits from this lucrative business are shared by Mr. Altamirano and his partner in crime, Noriega.

Mr. President, Noriega was indicted last year in the United States on drug charges. It would be ludicrous for the President to send to the Senate the nomination of a man chosen by Noriega. The only contact the U.S. Government ought to be having with Noriega is enough contact to handcuff him and bring him to this country to stand trial.

Last month when the Senate debated this issue, I heard plenty of poppycock. There were charges that this was a violation of the Panama Canal treaties. Well this particular amendment has nothing to do with the treaties. The process for the appointment of Canal Administration is dealt with in U.S. domestic law (22 U.S.C. 3613), not in the treaties.

Then I listened during the last debate to charges that the Panamanians were not in favor of this amendment. Well I don't know to which Senator they were referring. Obviously Noriega does not like this amendment. But I have communicated with many members of the Panamanian opposition who have said that they do support this amendment. They are in favor of anything which isolates Noreiga further.

Now as to whether or not the State Department supports this, I'm not sure why my colleagues are all of a sudden so interested in the administration position. The administration position never seemed to matter when we were attempting to get miniscule support for the Nicaraguan freedom fighters. Furthermore, Secretary Baker was out of the country during the last debate, so I doubt that he had occasion to state any position on this matter.

The President and the Secretary of State have stated repeatedly that there can be no accommodation with any government controlled by Noriega. So this amendment is fully consistent with administration policy. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. COATS. Mr. President, I would like to note that Senator BOREN is also a cosponsor of this amendment; to give a little bipartisan flavor.

I thank the Senator from North Carolina for his support.

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

The amendment (No. 323) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 324

Mr. ARMSTRONG. Mr. President, it is my desire to offer an amendment. May I inquire of the managers if it would be agreeable to them to set aside the pending business for that purpose?

I ask unanimous consent that the pending business be set aside so I may present an amendment which I send to the desk on behalf of the Senator from Arizona, Mr. DECONCINI, myself, and also Senators COATS, HUMPHREY, and HELMS, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending business is set aside and the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Colorado [Mr. ARMSTRONG], for himself, Mr. DECONCINI, Mr. COATS, Mr. MCCLURE, Mr. HUMPHREY, and Mr. HELMS, proposes an amendment numbered 324.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that we dispense with the reading of the amendment.

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

The amendment is as follows:

At the end of the bill add the following new section:

"SEC. . CHINESE FLEEING COERCIVE POPULATION CONTROL POLICIES.

"(a) Pursuant to paragraph (42)(A) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)(A)), all adjudicators of asylum or refugee status shall give fullest possible consideration to applications from nationals of the People's Republic of China who express a fear of persecution upon return to that country because they refuse to abort a pregnancy or resist sterilization in violation of Chinese Communist Party directives on population.

"(b) In view of the urgent priority assigned to the 'one couple, one child' policy by high level Chinese Communist Party officials and local party cadres at all levels, as well as the severe consequences commonly imposed for violations of that policy, which are regarded as 'political dissent,' refusal to abort or to be sterilized, as described in subsection (a) of this section, shall be viewed as an act of political defiance justifying a 'well-founded fear of persecution' sufficient to establish refugee status under paragraph (42)(A) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)(A)).

"(c) All other factors which may contribute to a determination of asylum or refugee status in such cases are to be given additional weight by asylum and refugee adjudicators, such factors including, but not limited to, overt political activities while in the United States or third countries, membership in an ethnic or religious minority, family background and history, or suspicion of 'counterrevolutionary' activities by Chinese Communist Party officials.

"(d) Nothing in this section shall be construed to necessitate a grant of asylum or refugee status to any individual who is ineligible for admission to the United States under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)).

"(e) The Secretary of State and the Attorney General shall, within 30 days of enactment of this section, promulgate regulations and guidelines to carry out the provisions of this section.".

Mr. ARMSTRONG. I will undertake to explain it.

Mr. President, my colleagues, I ask that you try to focus your attention on a nation which requires each and every citizen to be sterilized after the birth of their first child. Imagine, Mr. President, a society which requires parents to put their unborn children to death. Imagine a country which forces unwed mothers to have an abortion because illegitimacy is illegal.

This may sound like an improbable circumstance. In fact it sounds like a nightmare, but it is the true-to-life situation in Communist China today.

Forced abortions and mass sterilization may sound unreal, but they are not. That is the normal course of things in the People's Republic of China. Mr. President, as a consequence of this, in August 1988 the U.S. Department of Justice issued policy guidelines to the Immigration and Naturalization Service designed to assure that Chinese parents are given the opportunity to find a safe haven here in the United States. These guidelines require that careful consideration be given to Chinese nationals who apply for asylum because of their fear that they will be forced to abort their unborn children or be sterilized upon their return to China.

Mr. President, this was a wise, thoughtful, compassionate policy. The establishment of the Justice Department policy guidelines was a step in the right direction, but I am chagrined to report to my colleagues that the Immigration and Naturalization Service has failed to implement these guidelines, as required.

The number of parents who have fled China and have been denied assistance in the United States under the circumstances which are addressed in this amendment which I have been describing is not large, given the scheme of things less than 50, I believe. It seems to me that anyone who finds themselves in this kind of tragic circumstance deserves our consideration.

Let me mention one such case, and I have a notebook full, but let me mention this so my colleagues will understand the horror of what is under consideration here. There was the case of Mr. Lee who fled China after officials forced his wife to have an abortion and was arrested in San Francisco on a forged passport. He was granted political asylum by an immigration official, but as reported in the New York Times:

> The immigration officials fear setting precedent with unmanageable consequences, and they are now appealing the decisions.

Interestingly, the Board of Immigration Appeals asserts that they are not bound by the guidelines issued by the Department of Justice.

Now, the Armstrong-DeConcini-Coats - McClure - Humphrey - Helms amendment simply codifies, and to a modest extent expands the existing Department of Justice policy by requiring the Secretary of State and the Attorney General to promulgate regulations and guidelines that would require asylum and refugee adjudicators to give the fullest possible consideration to applications from nationals of the People's Republic of China who express a fear of persecution upon return to that country, because they refuse to abort a pregnancy or resist sterilization in violation of Chinese Communist Party directives.

Mr. President, the amendment speaks for itself. It is appalling to me that INS continues to fight asylum requests, even in very extreme circumstances, notwithstanding the guidelines promulgated by the Department of Justice. Under the circumstances, it seems to me that we have no choice but to adopt an amendment along the lines that I have suggested, on which I am joined by my colleagues who I have mentioned. That is the issue.

Unless others want to speak, I simply urge the consideration of my colleagues and call for the adoption of the amendment.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. Is there further debate? The Senator from Rhode Island.

Mr. PELL. This is the first time that we were aware of this amendment. I have not seen it before, nor has my staff, and it is quite a strong amendment with quite a large scope. I think it should be read by the immigration people. I think it should also be run by some of our people who have not had a chance to see it. So we are not prepared to vote on it at this time, and I suggest the absence of a quorum.

Mr. ARMSTRONG. Mr. President, if the distinguished chairman will withhold that, I would like to counter his suggestion in this way: Let me propose that I insert some material in the RECORD, and I would be happy to defer final action on the amendment until tomorrow so he and others would have a chance to look at it.

We did not intend to surprise anybody and, in fact, let me point out to the distinguished chairman that this matter was a subject of a "Dear Colleague" letter circulated by Mr. DECONCINI and myself. There is nothing about it that requires action tonight. In fact, I would be glad if Senators would take the time to review the material which I will put in the RECORD. I ask unanimous consent that we put in the RECORD an article from the New York Times editorial of Wednesday, April 19, 1989, under the headline "Forced Abortion And A Chinese Refugee." It describes what the Times correctly terms an act of official inhumanity, which drove Le Yuan Pan to test the humanity of the American refugee law. What he discovered is outlined in this thoughtful editorial from the Times, that at a critical moment, that humanity, a sense of decency was not afforded to this refugee, notwithstanding the guidelines of the Department of Justice. So I ask unanimous consent that that be inserted in the RECORD at this point.

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

[From the New York Times, Apr. 19, 1989]

FORCED ABORTION AND A CHINESE REFUGEE

An act of official inhumanity in his native China drove Lee Yuan Pan to test the humanity of America's refugee law. When Chinese officials forced his wife to have an abortion, Mr. Lee fled to San Francisco, only to be arrested for trying to enter the U.S. on a forged passport.

An immigration judge reasonably granted him political asylum based on his resistance to China's policy of one child per family. But immigration officials fear setting a precedent with unmanageable consequences and have now appealed the decision.

Mr. Lee has a compelling case. Under the 1980 Refugee Act, foreigners are entitled to permanent sanctuary if they can demonstrate "a well-founded fear of persecution"

based on race, religion, nationality, membership in a particular social group or political opinion. Forced abortion may not fit these categories neatly but it violates one of the most basic human rights. Refugee status can righty be granted, on a case-by-case basis, to families that can prove such an abuse.

Last August Edwin Meese, then Attorney General, issued guidelines to give "careful consideration" to asylum applications from Chinese nationals afraid of returning home because of their Government's policy of one child per family. According to Mr. Meese, if a Chinese family refused to end a pregnancy or undergo sterilization as "an act of conscience," that refusal could be considered political defiance sufficient to establish refugee status.

Immigration officials fear opening a huge loophole in the refugee law, however. It could be argued that Mr. Lee was not singled out for persecution but was the victim of a policy affecting more than a billion Chinese—provoking visions of an unending flow of migrants. But the specific facts of Mr. Lee's case are what make it so compelling. He said he and his wife were subjected to a heavy tax and had their electricity cut off after the birth of their second child. He also lost his work assignment as a carpenter. A third pregnancy caused them to flee their village.

Mr. Lee eventually made his way to the U.S. But he testified that his wife, who had gone into hiding in China, was discovered and forced to undergo an abortion in her fifth month. Immigration Judge Bernard Hornbach found him a credible witness and granted him asylum. The Immigration Service in San Francisco is appealing the case.

Recent visitors to China suggest that the policy of one child per family has been relaxed somewhat in the last five years and in any event is not universally enforced. That means that while Mr. Lee may justly qualify for asylum, another Chinese family may not. Far from opening the floodgates, such case-by-case determinations are consistent with the legal process and the humanitarian spirit of the refugee law.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that there appear in the RECORD at this point an article from the Washington Post of Sunday, April 10, 1988, under the headline "The Long Arm of 'One Child' China."

Finally, Mr. President, I am not going to put voluminous material in the RECORD, but I ask unanimous consent that the "Dear Colleague" which Mr. DECONCINI and I have circulated and the fact sheet on the amendment be printed in the RECORD at this point.

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

THE LONG ARM OF "ONE-CHILD" CHINA

(By Steven W. Mosher)

The man on the phone was nervous, as if afraid of being overheard. "I am calling you only as a last resort," he said in a heavy Chinese accent. "I don't know where else to turn * * *. It concerns China's one-child policy."

I was not surprised he would contact me. During my lengthy stay in a Chinese village in 1980, I had seen women in the third trimester of pregnancy forced to undergo abortions. I had written extensively about this and other aspects of China's coercive population-control program and had interviewed many Chinese about their experiences. But Dr. Quan B. Li's story was different.

"My wife is seven months pregnant," Li told me. "Even though we are living in the United States, the Chinese government has been trying to force us to return to China for an abortion. We hope that you can help us to stay in the United States, at least until our baby is born."

As I listened, he told a shocking tale of how Chinese birth-control officials were trying to enforce Beijing's one-child policy on this couple living in Phoenix, pursuing them long distance with a series of brutal warnings that threatened sanctions not only against Li's wife but also her coworkers back in China.

Q.B., as his American friends call him, was selected by the Chinese government seven years ago to come to the United States to pursue a doctorate in mechanical engineering at the University of Arizona.

Like most Chinese scientists sent abroad to study, Q.B. was not allowed to take his family. His wife, a nurse, and his three-year-old son had to remain in China, helping to ensure that the family head would return to the motherland upon the conclusion of his studies. In short, his wife and son were hostages.

Q.B.'s wife, Ping Hong, chafed at this forced separation from her husband and four years ago applied herself to study in America. Such requests are seldom granted. Ping Hong, however, was a Communist party member in good standing and her unit, the Walfantia Bearing Factory, vigorously endorsed her application. She and her son were given exit visas and arrived in Phoenix three years ago.

Q.B. completed his Ph.D. in March 1986, and was given permission to stay on for an additional 18 months of practical training in his field. He and his wife were looking forward to returning to China. Q.B. had been promised a full professorship at his university while Ping Hong was given to understand that an important post awaited her at the Walfantia Bearing Factory.

Then late May 1987, Ping Hong became pregnant with her second child. They still can't understand how it happened. Q.B. said Ping had an IUD inserted after the birth of their son, as mandated by the birth-control regulations. "As a nurse, she was very responsible about going in for required pelvic examinations each quarter. The IUD was always in place," Q.B. said.

The couple had considered, only to reject, the idea of an abortion. "At one time my wife had assisted doctors in performing abortions in China, even late-term and forced abortions," Q.B. recalled. Now that experience came back to her in nightmares, and she felt she must protect the child she was carrying.

After hesitating for a number of weeks, they wrote Ping Hong's factory, asking the poulation control official there if they could be granted an exemption from the one-child policy. They had conceived their second child in the United States, they argued. Surely China's one-child limitation did not apply to them here. Couldn't they be allowed to keep it?

The birth-control officer at Ping Hong's factory quickly set them straight. "When you left for America three years ago, the birth-control policy in our country was already very strict. The 'one-child' policy is now even stricter. * * * If you come back at the end of this year pregnant, even if you are eight or nine months along, you will absolutely not be allowed to have your baby."

Last year, Communist Party General Secretary Zhao Ziyang reaffirmed the "technical policy on birth control" and officials were ordered to redouble their efforts to enforce this policy, which calls for IUD insertion after one child, sterlizaton after two and abortion for women like Ping Hong who were pregnant outside the plan.

In the last few months, I had been hearing persistent reports that women pregnant with "illegal" second children were being forced to have abortions, even as late as the final months of pregnancy. There were also alarming reports of infanticide of "illegal" newborns. In my view. Li was right to believe the official's threat.

When Q.B. and his wife were debating what to do—should they return to China and run the risk of losing their unborn chid, or should they attempt to stay in the United States until after the child was born—Ping Hong received another letter. This one was more threatening than the last.

"Second children are absolutely banned," the letter read. "If a woman insists on having a second child, all the staff and line workers of her factory will be punished. No salary increases will be allowed, and the factory will be disqualified from production contests. She herself will be placed on probation, and receive only minimum living expenses. You absolutely cannot afford these political and financial losses. * * * Do not lose any more time. Fix this problem as soon as possible."

Without any further delay, the Lis secretly applied to stay in the United States. They also moved away from their apartment near the university campus to a house in the suburbs, so that the Chinese government would not know of Ping Hong's whereabouts. "Ping was afraid that even in the United States we were being watched by agents of our government," Q.B. recalled.

Unable to pressure Ping Hong and her husband directly, Chinese population control officials turned instead to their next of kin. Ping Hong's elderly mother was a favorite target. The old woman was paid nightly visits and repeatedly warned of the terrible consequences for the entire family if Ping Hong did not abort the "illegal" child she was carrying.

Q.B. and Ping Hong agonized over what to do. They knew that Ping Hong's mother was in poor health and was distraught over the nightly propaganda sessions.

In desperation, Q.B. wrote his mother-in-law and told her that Ping Hong had obeyed her superiors: She had gone in for an abortion. Ping Hong's mother showed this letter to the population-control officials the next time they came, and the nightly visits ended for a time.

But Q.B. then made a serious tactical error. Not knowing if he and his wife would be allowed to stay in this country, he tried one last time to obtain permission to have a second child. Hoping that his university, the Dalian Institute of Technology, might be more foregiving of their situation than Ping Hong's factory, he wrote them a letter. He put the matter in the hypothetical ("What if my wife became pregnant in America?"), but the Walfantia Bearing Factory found out about the letter—and the pressure was on again.

"Before they had been trying to talk us into having an abortion," Q.B. recalled, "Now they began ordering us to. We re-

ceived what was called an 'extremely urgent letter of warning.' " This letter follows:

September 25, 1987.

COMRADE PING HONG: How are you? After explaining the birth control policy to you in our last letter, we were sure that you would fix your problem right away. But from your husband's recent letter to the Dalian Institute of Technology asking about the policy, we know that your pregnancy continues. You must already be at least four months along. (She was actually five months pregnant at this time.)

We have been severely criticized by both the municipal and the prefectural birth control departments and ordered to send you this extremely urgent letter of warning.

Birth control is one of our nation's basic policies. The "one-couple, one-child" policy is known to every family and every individual throughout the land. You are an official as well as a medical worker. It is hardly necessary to repeat this slogan to you. You have not been out of the country that many years.

Let me give you an example that deserves your serious attention: Recently, a woman at the Chuangliu Grain Store ignored official warnings and had a second child. As punishment, both the woman and her husband were fired from their jobs and put on probation for one year. During this period they are receiving only $5 a month for living expenses. They have been ordered to pay back the subsidy they received for the health and nursery school care of their first child. The officials in charge of both the husband's and the wife's place of employment and their superiors had their bonuses withheld for several months.

The Walfantia Bearing Factory is now working on a major, government-sponsored expansion. We have successfully passed all the necessary evaluations and reviews. But if our birth control program allows even a single second birth, our factory will not be permitted to advance. All of the strenuous efforts of our 20,000 employees towards this goal will have been in vain. Moreover, our whole factory will be disqualified from any production contests, and the bonuses and benefits of all employees will be negatively affected. From the factory director, to the department heads, to the cadres in charge of the birth control program, all of us will be punished.

The consequences for you are unthinkable. You would be condemned by all the staff and line employees of the factory. How could you bear the losses you would cause and suffer?

You should seriously reflect on these consequences, and come to a speedy decision to fix your problem any way you can. You must not delay! If you have real difficulties [getting an abortion in the U.S.], return to China immediately for an abortion. We expect you to report your actions to factory officials as soon as you receive this letter, so that we may report them to higher authorities * * *

To your health!

Population Control Office, Walfantia Bearing Factory, Dalian Subdivision, Dalian, Manchuria, People's Republic of China.

The last letter Ping Hong received, approximately two weeks before Q.B. called me, was the bluntest of them all.

COMRADE PING HONG: Have you received our last express mail letter? Have you taken any action as a result?

The factory officials are anxious to know whether or not you have done as ordered, since your actions affect the benefits of all employees in the factory as well as the factory's future. The punishment for this kind of violation [having a second child] is very severe, and we strongly advise you not to risk it.

If you cannot have this abortion done abroad, then the factory director orders you to return to China immediately. Any further delays, and you will be punished according to the law.

There is nothing ambiguous about our order! Make up your mind immediately!

To your health!

On Feb. 29, the application of Dr. Q.B. Li and his wife Ping Hong to remain in the United States was turned down by the U.S. State Department. They now face deportation proceedings.

The news that month was not all bad, however, On Feb. 1 Ping Hong gave birth to a healthy 7½ pound baby girl. The Lis' have named their daughter Mei, which in Chinese means beautiful but also stands for America, land of her birth.

U.S. SENATE,
Washington, DC, July 19, 1989.

DEAR COLLEAGUE: Imagine a nation which requires that each and every citizen be sterilized after the birth of their first child. Imagine a society which requires parents to put their unborn children to death. Imagine a country which forces unwed mothers to have an abortion, because illegitimacy is illegal.

Unbelievable? Forced abortions and mass sterilization may sound unreal, but they're not. They're a fact of life in Communist China today.

In August of 1988, the U.S. Department of Justice issued policy guidelines to the Immigration and Naturalization Service [INS] designed to ensure that Chinese parents are given the opportunity to find a safe haven here in the United States. These guidelines require that the fullest consideration be given to Chinese nationals who apply for asylum because of their fear they will be forced to abort their unborn babies or be sterilized upon their return to China.

The establishment of the Justice Department policy guidelines was a step in the right direction, but the INS has failed to implement them as required. To our knowledge, the number of parents who have fled China and been denied assistance in the United States is less than 50, yet each case merits our consideration. One such case was that of Mr. Lee, who fled China after officials there forced his wife to have an abortion, and was arrested in San Francisco for trying to enter the U.S. on a forged passport. He was granted political asylum by an immigration judge, but the New York Times reports that "immigration officials fear setting a precedent with unmanageable consequences and have now appealed the decision."

To insure the INS implements the Justice Department's policy, we will offer an amendment to the State Department Authorization Act that ensures the Department of Justice's policy guidelines are not overlooked. Please join us in this effort.

If you would like to cosponsor this amendment, please contact Carter Pilcher or Denise Malone at 4-5941.

Sincerely,

DENNIS DECONCINI.
WILLIAM L. ARMSTRONG.

ARMSTRONG-DECONCINI AMENDMENT ON ASYLUM FOR PRC NATIONALS

Current Law: A section of the Immigration and Naturalization Act (8 U.S.C. 1103) empowers the Attorney General to issue policy guidelines to be followed in the adjudication of applications for asylum. The Attorney General issued guidelines instructing asylum adjudicators to give "careful consideration" to applications from PRC nationals who seek asylum because they have defied their government's population control policies.

Current Practice: The INS has not implemented these guidelines. It continues to seek deportation orders against PRC nationals who fear persecution because they have not complied with the government's "one couple, one child" policy. Moreover, the Board of Immigration Appeals in a May 12 decision to deport a PRC national, said that it was not bound by the DOJ guidelines.

Armstrong Amendment: The Armstrong amendment would codify and expand existing DOJ policy by requiring the Secretary of State and the Attorney General to promulgate regulations and guidelines that would require asylum and refugee adjudicators to give the "fullest possible consideration to applications from nationals of the PRC who express a fear of persecution upon return to that country because they refuse to abort a pregnancy or resist sterilization in violation of Chinese Communist Party directives on population".

WHY THIS AMENDMENT SHOULD BE ADOPTED

The Chinese government's population control policy that bars families from having more than one child is strictly enforced—often by means of compulsory abortions and sterilizations.

About 50 PRC nationals have sought asylum in the U.S., fearing stringent sanctions because of their defiance of their government's population control policy. DOJ guidelines, noting that the PRC government views such defiance as an act of "political dissent", state that "a finding of the requisite 'well-founded fear of persecution' under these circumstances is reasonable". This constitutes persecution for "political opinion" under the Immigration Act and would result in a grant of asylum.

The INS nevertheless continues to fight such asylum requests, even in the most extreme circumstances. For example, they are seeking to deport Mr. Zhao, a PRC national. In October 1984, according to court depositions, Chinese police burst into Mr. Zhao's home and brought his wife to a hospital in order to abort her child. Mrs. Zhao, who was in the ninth month of her pregnancy, was beaten and went into labor en route to the hospital. Her child, born alive, was strangled by government officials while Mr. Zhao tried to entervene. Mr. Zhao subsequently escaped to the U.S. and sought asylum. Annette S. Elstein, an Immigration Judge in New York, ordered Mr. Zhao deported, arguing that he had not demonstrated a "well-founded fear of persecution."

An INS attorney in New York recently filed a brief in opposition to an asylum request from a PRC national who feared persecution because he had not complied with the "one couple, one child" edict. The INS brief argued that the request for asylum "does not rise to the level of a funding of a well founded fear [of persecution]" because the policy has been "applied to the nation as a whole." This directly contravenes DOJ guidelines which state that "a finding of the

requisite 'well-founded fear of persecution' under these circumstances is reasonable."

The agency is also seeking to deport Mr. Yun Pan Lee, a Roman Catholic who was prohibited from working for a period of six months and whose family's supply of food and water was cut off after the birth of his second child. When Mrs. Lee became pregnant with their third child, Mr. Lee fled the country and sought asylum in the U.S. Mrs. Lee was subsequently compelled by the government to have an abortion. An immigration court judge, citing the DOJ guidelines, found in Lee's favor. The INS has appealed this ruling to the Board of Immigration Appeals.

The Board of Immigration Appeals has argued that it is not bound by the DOJ guidelines. In a May 12 ruling, the board found that these guidelines "were directed to the Immigration and Naturalization Service, rather than the immigration judges and this board." It ordered Jin Han Chang, who had sought asylum under the DOJ guidelines, deported.

Thus, neither the INS nor the Justice Department's Board of Immigration Appeals have implemented the DOJ guidelines. Indeed, the INS has made only the most minimal efforts to make its various offices aware of the guidelines. Despite the Attorney General's instruction to the INS Commissioner to "insure that these guidelines are immediately distributed to INS headquarters, all regional, district and local offices," it appears that the INS has not disseminated the policy guidelines. Duke Austin, an INS spokesman, recently told the New York Times that his agency's district directors were made aware of the guidelines at a conference held in San Diego last September, but that "no corresponding additional instructions were put out."

The INS continues to seek deportation orders against Chinese nationals who fear persecution because they have defied their government's "one couple, one child" policies, and the Board of Immigration Appeals continues to deny them asylum.

The Armstrong amendment would by statute apply the DOJ policy to all relevant agencies, including INS and the Board of Immigration Appeals. It would thereby assure that applications for asylum by Chinese nationals who fear persecution because they have defied the party's population control policies would be given the fullest possible consideration.

Mr. ARMSTRONG. Then, Mr. President, I would be happy to yield the floor, but I will point out to the chairman not only would it be my intention to lay this over until tomorrow, if that is his desire, but at any point I intend to ask for a rollcall vote on this matter. I would do that even if it were accepted by the managers, as I hope it will be, because this is a case where we have clearcut guidelines in existence now that are being ignored. I do not think we ought to adopt this casually or on a voice vote. I think this ought to be adopted on a rollcall vote of the Senate and with what I trust will be an overwhelming rollcall.

Mr. President, with that explanation, I ask for the yeas and nays on the amendment to be voted on at a time to be set later.

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

The yeas and nays were ordered.

Mr. ARMSTRONG. Mr. President, before I yield the floor, one other matter. I would also like to have printed in the RECORD letters of support on this matter which we have received from organizations which are interested and concerned about this matter. Specifically I invite the attention of my colleagues to the letter from the Ad Hoc Committee in Defense of Life, dated today; from the Family Research Council; and from the National Right to Life Committee. I ask unanimous consent that these appear in the RECORD at this point.

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

THE AD HOC COMMITTEE
IN DEFENSE OF LIFE,
Washington, DC, July 19, 1989.

Hon. WILLIAM ARMSTRONG,
U.S. Senate, Washington, DC.

SENATOR ARMSTRONG: I am writing to inform both you and Sen. Dennis DeConcini of the Ad Hoc Committee's strong and full support for your proposed amendment to the State Department reauthorization bill that would end the cruel and inhumane efforts of the U.S. Immigration and Naturalization Service against Chinese nationals who are seeking asylum here because they face severe sanctions for defying their government's oppressive population control program.

As you know, the People's Republic of China has adopted a rigid "one couple, one child" population policy which includes the widespread practices of forced abortion, coercive sterilization, and female infanticide. This program is so brutal that our government has denied it funding, and the House has voted overwhelmingly to condemn its practices as "crimes against humanity."

Despite claims by the PRC and the United Nations Fund for Population Activities denying the existence of such brutality, let me recite just one recent account—reported in the February 26, 1989 Washington Post—of the ongoing atrocities inflicted by the PRC on pregnant women in Tibet:

". . . The villagers were informed that all women had to report to the tent for abortions or sterilizations or there would be grave consequences . . . The women who refused were taken by force, operated on, and no medical care was given. Women nine months pregnant had their babies taken out . . . We saw many girls crying, heard their screams as they waited for their turn to go into the tent, which smelled horrible . . . Since 1987 there has been a tremendous increase in the number and frequency of the teams that move from town to town, and to nomad area."

The INS is fully aware of both the severity of the PRC program and of the guidelines issued last year by the Attorney General instructing agency officials to give "careful consideration" to the applications of Chinese nationals who—refusing to subject themselves to such unspeakable brutalities, and facing certain punishment for their opposition to their government's program—are seeking asylum and the protections which our Nation's liberty affords.

Nevertheless, the INS has refused to implement these guidelines, which it claims are non-binding. It has even sought to deport some of the 50 Chinese nationals now seeking asylum—going so far as to appeal one immigration court judge's ruling favoring asylum.

Your amendment, which would codify and expand the policy now disregarded by the INS, would go far to end the unconscionable efforts being undertaken by our government. And while your proposal does touch on an issue which the Ad Hoc Committee is deeply concerned about—the PRC's practice of forced abortion—it moreso addresses the broader issue of our Nation's willingness to employ a humane immigration policy.

All Senators, irrespective of their views on the issue of abortion, can support your proposal. As an American, I do not believe that any Member of Congress would allow our government to deny asylum to people—many of them pregnant women—who will face the most stringent of sanctions if deported.

Again, the Committee thanks both you and Sen. DeConcini for your humane proposal, which we hope receives quick approval from the Senate.

Respectfully,

JOHN P. FOWLER
(For the Committee).

FAMILY RESEARCH COUNCIL,
July 19, 1989.

Hon. WILLIAM ARMSTRONG,
U.S. Senate, Washington, DC.

DEAR SENATOR ARMSTRONG: The Family Research Council, a division of Focus on the Family, is pleased to endorse your proposed amendment to the Fiscal Year 1990 State Department and Related Agencies Authorization Bill.

We share your grave concern about the brutal and coercive "one child per couple" population program in the People's Republic of China. While there are few steps the United States can take directly to challenge or change this program, our nation can and should make use of every appropriate means to express its unqualified opposition to such grotesque violations of fundamental human rights. The amendment you propose, to require U.S. immigration authorities and adjudicatory bodies to give the "fullest possible consideration" to asylum applications from PRC nationals in our country who fear persecution on the basis of their defiance of the one-child directive, is consistent with—indeed, we would say "required by"—any fair reading of the asylum provisions in U.S. immigration law.

Regrettably, despite a memorandum from the Attorney General in 1988 directing the Immigration and Naturalization Service to provide such consideration to PRC asylum applicants, U.S. immigration officials and courts have continued to deny these applicants the protection of our laws and to seek their deportation. Your proposal is clearly necessary, therefore, to restate and reemphasize the humanitarian values embodied in the law of asylum. Recent events in China underscore how critically important it is that free nations speak with a single and unequivocal voice in response to brutal acts of government-sponsored violence. The Chinese government's population program represents an act of continuing violence against the people that calls for a unified and unambiguous American policy. We believe that your amendment merits the unan-

imous support of the Senate and the Congress of the United States.

Sincerely,

GARY L. BAUER,
President.

NATIONAL RIGHT TO LIFE COMMITTEE, INC.,
Washington, DC., July 19, 1989.

Senator WILLIAM ARMSTRONG,
U.S. Senate, Washington, DC.

DEAR SENATOR ARMSTRONG: We understand that you and Senator DeConcini will offer an amendment to the State Department authorization bill (S. 1160) to facilitate grants of political asylum to Chinese nationals who may be forced to submit to abortion under the Chinese government's coercive population control program.

The National Right to Life Committee strongly supports your amendment. It should be beyond dispute that the Chinese government compels countless women to submit to abortion each year—often late in pregnancy. Indeed, each year since 1985, the Agency for International Development (AID) has officially declared that China systematically employs compulsory abortion, and has backed these declarations with extensive documentation from intelligence, diplomatic, and journalistic sources. AID has also referred to official decrees by organs of the Chinese government, compiled by the China Desk of the U.S. Census Bureau.

As recently as June 7, the U.S. delegate to the United Nations Development Programme Governing Council strongly objected to a proposal to extend the support of the United Nations Population Fund for China's program, because of the coercion pervasive in that program.

It is likely that only a small number of the Chinese citizens subjected to these coercive policies will be able to request asylum—but in those cases, the United States should surely extend its protection to those persecuted individuals, and to the unborn children who will otherwise be killed.

We thank you for your initiative on this important issue.

Respectfully submitted,

DOUGLAS JOHNSON,
Legislative Director.

Mr. ARMSTRONG. Last but not least, I ask unanimous consent that the distinguished Presiding Officer, Senator CONRAD, be added as a cosponsor.

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

Mr. ARMSTRONG. I urge my colleagues to look at this material in the RECORD overnight and to vote with us tomorrow when the vote occurs.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

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

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

AMENDMENT NO. 307, AS MODIFIED

Mr. PELL. Mr. President, I ask unanimous consent that amendment No. 307 offered by the Senator from North Carolina [Mr. HELMS] and Senator STEVENS be modified to include perfecting language which has been sent to the desk on behalf of Senator KOHL.

The PRESIDING OFFICER. If the Senator would send that modification to the desk it will be so modified.

Mr. PELL. It is at the desk.

The PRESIDING OFFICER. The desk informs the Chair they do not have that amendment.

Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

Amend Title I by inserting the following new sections:

SEC. . Agreement between the United States and Canada governing liability for potential oil spills in the Arctic Ocean and international contingency plans.

(a) FINDINGS.—The Congress finds that—

(1) Canada has discovered commercial quantities of oil and gas in the Amalagak region of the Northwest Territory;

(2) Canada is currently exploring alternatives for transporting the oil from the Amalagak field to markets in Asia and the Far East;

(3) One of the options the Canadian government is exploring involves transshipment of oil from the Amalagak field across the Beaufort Sea to tankers which would transport the oil overseas;

(4) The tankers would traverse the American Exclusive Economic Zone through the Beaufort Sea into the Chukchi Sea and then through the Bering Straits;

(5) These waters serve as the kitchen table for Alaska's Native people providing them with sustenance in the form of walrus, seals, fish, and whales;

(6) The Beaufort and Chukchi Seas provide important habitat for the bowhead whale, the lifeblood of the Eskimo people of Alaska;

(7) An oil spill in the Arctic Ocean, if not properly dealt with, could have significant impacts on the indigenous people of Alaska's North Slope;

(8) The Canadian Arctic Waters Pollution Act limits recovery of damages incurred as a result of offshore exploration or development to $C40 million and does not apply west of 141 degrees latitude;

(9) The Canadian government has entered into an agreement with all companies licensed to drill in the Canadian Beaufort mandating liability to United States' claimants for damages suffered west of 141 degrees latitude, but that liability is limited to $C20 million;

(10) There is no international agreement in effect between the United States and Canada outlining legal liability in the event of an oil spill;

(11) There are no international contingency plans involving our two governments governing containment and clean-up of an oil spill in the Arctic Ocean; and

(12) There is no pool of money immediately available to mitigate the impact of an oil spill or to reimburse the people of the North Slope for any losses they might suffer in the event of an oil spill in Canadian waters or by a Canadian tanker.

(b) NEGOTIATIONS.—The Congress calls upon the Secretary of State and the Foreign Minister of Canada to begin negotiations on a treaty dealing with the complex questions of recovery of damages, contingency plans, and coordinated actions in the event of an oil spill in the Arctic Ocean or a tanker accident during the shipment of oil by sea.

(c) REPORT.—The Secretary of State shall report to the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs on his efforts toward this end no later than January 1, 1990.

SEC. . Report on agreements between the United States and Canada governing liability for potential oil spills in the Great Lakes and the St. Lawrence Seaway and international contingency plans.

(a) FINDINGS.—The Congress finds that—

(1) The Great Lakes contain 95 percent of the United States' and 20 percent of the world's fresh surface water, providing drinking water for approximately 25 million Americans, supporting 20 percent of all United States manufacturing, providing habitat for thousands of wildlife species, and providing invaluable recreational opportunities and businesses for millions of people;

(2) Last year four United States and twenty-two Canadian tanker vessels carried 81 milion barrels of petroleum and hazardous materials through the Great Lakes;

(3) The Great Lakes are particularly vulnerable to oil spills, because they contain fresh water and are a closed system, without a larger sea to help disperse contaminants and reduce retention time;

(4) The potential for a disasterous oil spill on the Great Lakes was recently demonstrated in March 1989, when the Canadian tank barge Slurry narrowly avoided the release of 1.4 million gallons of carbon black feedstock when it ran aground twice on the Detroit River, near the drinking water intakes which serve nearly 3 million people;

(5) The near miss in March of 1989 was not an isolated incident, and hundreds of smaller spills have actually occurred in recent years on the Great Lakes;

(6) Concerns have been raised about inadequate requirements by the United States and Canada on the prevention and remediation of oil spills in the Great Lakes, including questions about measures on double-hulled tankers, double-skinned barges, vessel inspections, pilotage rules, spill notifications, spill contingency plans, containment equipment, wildlife rehabilitation facilities, clean-up procedures and the allocation of liability.

(b) REPORT.—The Secretary of State shall review the international agreements and treaties with the Republic of Canada, including relevant provisions of the Great Lakes Water Quality Agreement of 1978, as amended by the Protocol of 1987, and the Canada-United States Marine Pollution Contingency Plan for Spills of Oil and Other Noxious Substances, in order to determine whether amendments or additional international agreements are necessary to resolve complex questions of recovery of damages in the event of an oil spill in the Great Lakes and to ensure the adequacy of measures to prevent and remediate such spills. To the extent possible, the Secretary of State shall consult with the United States Coast Guard, the Environmental Protection Agency, and states surrounding the Great Lakes during this review.

(c) REPORT.—The Secretary of State shall report to the Congress on the results of this review no later than September 1, 1989.

Mr. STEVENS. Mr. President, I rise to offer an amendment concerning oilspill liability in the event of an oilspill in Canadian waters. After the *Exxon Valdez* oilspill I began to investigate the international laws and contingency plans which would apply if a tanker accident occurred in the Canadian Beaufort Sea. I learned that the recovery of damages for Alaskans impacted by the spill would be limited to $20 million Canadian.

I have talked with the Canadian Ambassador to the United States about the need to initiate high-level discussions to address this issue. The amendment calls on Secretary Baker to initiate discussions with the Canadians to negotiate a treaty with Canada. The State Department has cleared this provision.

Senator KOHL has expressed similar concerns about the legal regime which would apply in the event of a spill in the Great Lakes. He drafted an additional section addressing the problems in the Great Lakes which is included as part of this amendment.

I am pleased that Senators MURKOWSKI, LEVIN, REID, DURENBERGER, and BOSCHWITZ are joining with us in offering this amendment.

Mr. KOHL. Mr. President, I am pleased to offer this amendment with my distinguished colleague from Alaska, Senator STEVENS, to address the important issue of oilspill liability between the United States and Canada. His concerns about the potential for oilspill in the Arctic are certainly well founded. I am equally concerned, however, about the possibility of an oilspill in the Great Lakes, which constitute a significant portion of the common boundary between the United States and Canada.

Americans across the Nation were deeply saddened by the environmental havoc wreaked on the wildlife and the people of Alaska when the Exxon tanker *Valdez* hit a reef in Prince William Sound. But most importantly, Americans were outraged that this unthinkable tragedy could occur in this day and age. We all thought that there were plans and equipment in place to prevent such a spill from taking place. And at the very least, we thought that containment procedures were in place to stop the spread of spilled oil before sensitive coastline areas were smothered in oil. Unfortunately, we were wrong.

Although we cannot go back and undo the tragedy which was inflicted on the coastline of Alaska, we can take every possible step to prevent another spill.

I have heard from hundreds of constituents in Wisconsin who were concerned about the Alaskan oilspill. But the people of Wisconsin are just as concerned about their very own Great Lakes shoreline. The people of Wisconsin know that the Great Lakes are one of our Nation's greatest natural resources.

They know that the Great Lakes are the world's most important source of fresh surface water—important for industry, recreation, wildlife, and drinking water. They know that tankers carrying refined oil products cross the Great Lakes daily, loading and unloading their cargo's at ports in the United States and Canada.

The people of Wisconsin and every other Great Lakes State would like to think that the *Exxon Valdez* tragedy could not be repeated in their own back yard, but they have no such assurances.

The fact of that matter is, without adequate prevention and contingency plans, an oilspill in the Great Lakes could have catastrophic consequences. The Great Lakes are extremely vulnerable to oilspills because they are a closed system, without a larger sea to help disperse contaminants. Swift currents in the connecting channels could easily carry a toxic oil slick from one lake to another. Drinking water supplies for millions of Americans and Canadians could be endangered.

The United States and Canada have cooperated for many years in efforts to protect the environmental integrity of the Great Lakes, their greatest shared resource. Through the Great Lakes Water Quality Agreement and the Canada-United States Marine Pollution Contingency Plan for Spills of Oil and Other Noxious Substances, the two nations have displayed a clear understanding of the need for joint efforts at protection.

But in the aftershock of the *Exxon Valdez,* it is time to take a good look at the status of our contingency plans. We need to know whether or not we are needlessly endangering our coastlines, our people, and our wildlife. In addition, we need to resolve complex questions related to the recovery of damages in the event of an oilspill.

Mr. President, this amendment requires that the Secretary of State review the international agreements and treaties between the United States and Canada to determine whether amendments or additional international agreements are necessary to resolve any problems related to oilspill liability or the adequacy of prevention and remediation plans with respect to the Great Lakes.

The Secretary is directed to review the Great Lakes Water Quality Agreement, the Canada-United States Marine Pollution Contingency Plan for Spills of Oil and Other Noxious Substances, and any other relevant agreements or treaties.

Following this review, the Secretary will report to Congress on or before September 1, 1989. This report will be extremely helpful to the Subcommittee on Oversight of Government Management, chaired by Senator LEVIN, who is planning a hearing on these issues sometime this fall.

I congratulate Senator STEVENS for raising the important issue of oilspill liability between the United States and Canada, and I am pleased that he has agreed to accept provisions offered by myself and Senator LEVIN to help protect our magnificent Great Lakes.

Mr. LEVIN. Mr. President, 4 months ago, the *Exxon Valdez* tanker caused the tragic oilspill in Alaska. That incident showed all too clearly how fragile our water resources are—how easily humanity can disfigure them for generations to come. It heightened awareness about the need for us to take strong measures to protect our waters.

Senator STEVENS has offered an amendment to the State Department authorization bill to require the United States to enter into negotiations with Canada on issues related to oilspills in the Arctic Ocean. I join Senator KOHL to raise similar concerns about oil spills in the Great Lakes.

The Great Lakes experiences many—sometimes hundreds—of oilspills each year. Most are very minor, but the potential exists for a tragedy similar in scope to the *Valdez* incident. For example, during the same month that the *Valdez* tanker ran aground, a Canadian tank barge ran aground twice on the Detroit River, narrowly averting the release of 1.4 million gallons of a dangerous petroleum product near the water intake for the city of Detroit—a system that supplies drinking water to nearly 3 million people.

As explained in a report of May 23, 1989, by the State of Michigan, an oilspill in that amount could cause serious damage. Unlike the salt waters of the Arctic Ocean, the Great Lakes contain fresh water—the drinking water for millions of Americans and Canadians. An oilspill fouling these waters would threaten not only birds, fish, and other wildlife, but also people who depend upon the lakes for their water. It would also threaten fishing and other industries which depend upon the lakes for fresh water to operate. Moreover, since the Great Lakes are a closed system, with a slow rate of turnover in its waters, there is no sea nearby to disperse contaminants or carry the problem out of the immediate area.

Because of the seriousness of the potential threat, the Subcommittee on Oversight of Government Management, which I chair and on which Senator KOHL sits, has begun a detailed inquiry into oilspill problems affecting the Great Lakes. Our preliminary research has raised a host of questions about oilspill prevention and remediation programs. There are questions about differences between Canada and the United States on such matters as requiring that tankers be double hulled and that ships navigating cer-

tain areas have experienced Great Lakes pilots onboard. There are questions about the adequacy of existing vessel inspection programs. There are questions about the adequacy of existing oilspill notification systems, contingency plans, cleanup equipment, and cleanup techniques. There are questions about the allocation of legal liability in the event of a serious spill. The subcommittee is looking at all of these issues and is planning hearings for the fall.

The amendment that Senator KOHL and I are offering requires the Secretary of State to undertake a review of existing international agreements and treaties with Canada on the issue of oilspills in the Great Lakes. Unlike the situation in Alaska, where there is no international document on spills in the Arctic Ocean, Canada, and the United States have agreements and a joint contingency plan to deal with oilspills in the Great Lakes. The *Valdez* incident has shown us that it is time to review them and determine if changes are needed.

The amendment also requires the State Department to file a report with the Congress by September 1, 1989. This timeframe is adequate, because a number of ongoing activities related to Great Lakes oilspill issues have reached or are nearing completion. For example, the United States and Canadian Coast Guards are meeting next week, in a regularly scheduled session mandated by the Great Lakes Water Quality Agreement of 1978, to review oilspill issues in the Great Lakes. A survey begun in April by the U.S. Coast Guard of oilspill contingency plans and equipment in the Great Lakes, should be nearing completion. Also, the State of Michigan has completed a major review of its emergency preparedness for oil and other hazardous material spills. These and other activities will enable the State Department to report to Congress by September on the need for additional international negotiations with Canada concerning Great Lakes oilspills.

The Great Lakes provide 95 percent of the fresh surface water in the United States. They are a unique and irreplacable resource and must be protected. I commend Senator KOHL for his work on protecting the Great Lakes, and I hope you will join us in accepting this amendment.

Mr. PELL. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business before the Senate is the Armstrong amendment No. 324.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. 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. 326

Mr. BYRD. Mr. President, I send some technical amendments to the desk. I ask that they be considered en bloc.

The PRESIDING OFFICER. The Chair would inform the Senator from West Virginia that the Armstrong amendment is currently pending.

Mr. BYRD. Mr. President, I ask unanimous consent that the amendments en bloc may be in order at this time.

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

The clerk will report.

The assistant clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself and Mr. HATFIELD, proposes an amendment en bloc numbered 326.

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

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

The amendment is as follows:

On page 7, line 1, strike "shall be available only" and insert "are authorized to be appropriated";

On page 9, line 10, beginning with "; and" strike all through "(f)" on page 10, line 6, and insert "(e)";

On page 27, strike lines 13 through 19 and insert the following:

"(a) AUTHORIZATION.—Of the funds authorized to be appropriated for fiscal year 1990 by this title, $1,300,000 are authorized to be appropriated to provide continued support for the establishment of a Latin American and Caribbean Data Base.";

On page 55, lines 10 and 11, strike "shall be available only" and insert "are authorized to be appropriated";

On page 55, line 22, beginning with "Of the funds" strike all through the period on page 57, line 8 and insert the following:

"Of the funds authorized to be appropriated by this section, there are authorized to be appropriated—

(1) $98,000,000 for grants for the Fulbright Academic Programs;

(2) $40,400,000 for grants for the International Visitors Program;

(3) $5,500,000 for grants for the Hubert H. Humphrey Fellowship Program;

(4) $2,500,000 for Congress-Bundestag Exchanges;

(5) $2,000,000 for the Samantha Smith Programs;

(6) $7,800,000 for the Arts America Program;

(7) $11,900,000 for the Office of Citizen Exchanges; and

(8) $150,000 for books and materials for the collections at the Edward Zorinsky Memorial Library in Jakarta, Indonesia.

(b) SOVIET AND EASTERN EUROPEAN RESEARCH EXCHANGES.—(1) Of the funds authorized to be appropriated in subsection (a) $3,250,000 are authorized to be appropriated for research exchanges with the Soviet Union and Eastern Europe for—

(A) professors and other professionals holding the doctoral degree or its equivalent; and

(B) enrolled doctoral condidates who will have satisfied all requirements for the doctoral degree except for the dissertation by the time of their exchange participation.

(2) In addition to maintaining or expanding their traditional exchange programs with the Soviet Union and Eastern Europe, organizations receiving the funds authorized by this subsection shall be encouraged to develop direct exchanges with academic institutions in non-Russian republics in the Soviet Union.";

On page 61, line 11, strike "Of the funds made available to the United States Information Agency for fiscal year 1990 for the acquisition, production, and transmission by satellite of television programs, not less than $1,500,000 shall be available" and insert "Of the funds authorized to be appropriated to the United States Information Agency by this title, $1,500,000 are authorized to be appropriated".

On page 7, line 22, strike "shall be available only" and insert "are authorized to be appropriated";

On page 93, line 17, strike "shall be made available" and insert "are authorized to be appropriated"; and

On page 107, line 2, after the word "which" insert "not more than".

Mr. BYRD. Mr. President, as the managers of the bill are aware, Senator HATFIELD and I are concerned on behalf of the Committee on Appropriations with certain provisions of the Foreign Relations Authorization Act, fiscal year 1990 (S. 1160) as reported by the Committee on Foreign Relations. In reviewing this legislation, we have found several instances in which the bill would essentially mandate spending by the Appropriations Committee. In addition, the authorizations for several appropriations accounts contain floors which would have the effect of disproportionately reducing or eliminating programs not earmarked within those accounts if the Appropriations Committee is not able to fully fund the authorized level.

The Appropriations Committee would like to cooperate with the Foreign Relations Committee in the funding of authorized programs, as it did several years ago when we included provisions to ensure that the President would sign the authorization act into law. Aside from raising jurisdictional questions, spending floors and restrictions on management activities in authorization bills complicate the appropriations process. Inevitably we are forced to waive such provisions if the appropriation is lower than the authorization for the account in question in order to avoid the detrimental impact such provisions can cause.

We intend to attempt to reflect the priorities of the authorization act—and by implication the Senate—to the extent possible within the constraints of the section 302(b) allocation for the Subcommittee on Commerce, Justice, and State, the Judiciary, and related agencies. There may, of course, be some differences which can be addressed within the appropriations

process. However, the funding floors in S. 1160 will add to the problems the committee will face in marking up the fiscal year 1990 Commerce, Justice, State appropriations bill.

Mr. President, by letter, Senator HATFIELD and I brought our concerns to the managers and enclosed an amendment that addresses our concerns.

I now offer it, and I hope that the managers will accept it.

Mr. PELL. Mr. President, this is, I think, a very significant amendment, and as indicated, I would like to cooperate in reaching a mutually acceptable solution to this question of earmarks. I think it is important to note, though, that earmarks of the exchange accounts, the exchange of students, et cetera, have been a part of the bill since 1981. The earmarks in this bill are nothing new. Several members of our Foreign Relations Committee have expressed concern to me about dropping earmarks that have always been a part of this bill. The point being why do it now after all of these years?

As I understand it, there has been considerable discussions back and forth between the chairman of the Appropriations Committee, members of our committee, and the chairman objects, understandably, to the idea of us establishing a floor, but he does not object to our establishing a ceiling.

I would only then request that when there is enough money in the pot that our authorization would be considered as the governing guideline. Would that be the case?

Mr. BYRD. Mr. President, as long as when I first came to the Senate 31 years ago the Senate operated on the basis that unless appropriations were authorized there could not be appropriations but also on the basis that an authorization constituted the ceiling, not a floor. An authorization by itself is not an appropriation. The Appropriations Committee then may appropriate any amount from zero up to the ceiling which has been authorized. That gives the authorizing committees their appropriate jurisdiction, and it gives the Appropriations Committee its appropriate jurisdiction.

I have no objection to the ceiling. I think that is quite appropriate. I do not think the Appropriations Committee should go above the ceiling. But by the same token I do not think that there should be floors written into law which require the Appropriations Committee to appropriate an amount, not less than a given amount. And the circumstances at the time may dictate that the appropriations be less than that especially in times like these when we are operating under the constraints of very, very tight budgets.

So the ceilings I have no problem with. I think there is some misunderstanding as to what earmarkings mean. The problem here is as we have already indicated there have been floors set forth, and I think that is in essence taking over the work of the Appropriations Committee. The Foreign Relations Committee in essence is doing the appropriating of money when it says there cannot be anything less than a certain amount appropriated for a certain account.

This amendment would correct that.

Mr. PELL. Would my understanding be correct that when adequate funds are in the pot the recommendations of the authorizing committee would be considered as a guideline then?

Mr. BYRD. The authorizing committee's recommendations are always and will continue to be a guideline, but that is the extent of it. The authorizing committees set the ceilings, and authorize the appropriations. Without the authorizations, there is not supposed to be any appropriations. But I do call to the chairman's attention that in recent years the burden has fallen upon the Appropriations Committee to do in essence the authorizing and the appropriations in some cases because there was no authorizing legislation. I want to protect both. I want to protect both the authorizations process and the appropriations process.

Mr. PELL. I recognize the difference, when there is not an authorizing bill. This has happened twice in this decade where we have been forced to have the responsibility of moving ahead filling the gap. But when there is an authorization bill. I would hope that those guidelines would be honored.

The Senator from West Virginia and I have both been here for quite a long time now, and there is a great deal of merit to the idea the Appropriations Committee not be hampered by the Budget Committee. And it worked out pretty well. We may have reached the goal of a politburo. But it still did a pretty effective job.

At this time I would not offer any great objection to this amendment. But I believe very strongly that the authorizing committee should not be rendered further castrated, and not have a decisive role in the direction of the legislation.

Mr. BYRD. The authorizing committee is not rendered impotent by this amendment. The authorizing committee will have this full authority authorizing the programs and setting forth the ceiling in the Appropriations Committee, and then can carry out its responsibility by considering the facts as they are at the time that it makes its appropriations in appropriating the money up to but not above that ceiling.

Mr. PELL. Would I be correct to say that when there is an authorization bill, I would expect the Appropriations Committee would not legislate on the Appropriations Committee?

Mr. BYRD. Under rule XVI, there is always that point of order that can be raised.

Mr. PELL. I thank the Senator for his responses. I have nothing further to add at this time.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, not only do I find this amendment acceptable, I personally appreciate it. I know the Senator recognizes that there are rare occasions, rare as they may be, that something of this sort happens, but there has been too much of it. I personally appreciate the amendment by Senator BYRD and Senator HATFIELD.

Mr. BYRD. I thank both managers.

The PRESIDING OFFICER. Is there further debate?

Hearing no further debate, the question is on agreeing to the amendment of the Senator from West Virginia.

The amendment (No. 326) was agreed to.

Mr. BYRD. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for the information of Senators, the schedule for the remainder of the evening and, I hope, for the disposition of this bill, will be as follows: Momentarily, Senator DOLE will be recognized to offer an amendment on his behalf and mine, regarding the situation in Lebanon, on which there will be a rollcall vote within 5 or 10 minutes.

The Senators who are not present on the floor should be aware that a rollcall vote will occur in just a few minutes. that will be the last rollcall vote this evening.

Immediately following that vote, it is my intention to propound to the Senate a unanimous-consent agreement request, which will seek to identify the remaining amendments, establishing time limits for most, but not all of them, and thereby enable us to proceed to dispose of this matter.

The last time I saw the list, which was just a few minutes ago, there were 53 amendments on it. If all of these amendments are offered, of course, it will take a considerable length of time to dispose of them.

I hope that we can reach agreement on the list. I put Senators on notice, so there can be no misunderstanding that we will remain in session this week until this bill is completed, no matter how long that takes, Friday, Saturday, Sunday, Monday, whatever length of time it takes.

As for tomorrow, since Thursday is the regularly scheduled late night, Senators should be prepared not for just a late night, but a very late night, and I hope that it will not be necessary to go beyond that, but if it is, we will do so. We are in a familiar position. We have the amendments intended to be offered, and yet we waste great amounts of time trying to find a Senator who will come to the floor and offer an amendment. There is no limit to the number of Senators who say they will offer an amendment, but it is very difficult to get any one of them to come here and offer the amendment. As a consequence, we have had lengthy delays as a result. The consequence, of course, is that the Senate is in session until 10:30 or 11 o'clock this evening, and we will be much later than that tomorrow night.

I encourage Senators who can summon their restraint not to proceed to offer the amendments, but if they do want to offer them, they ought to extend the courtesy to their colleagues of coming to the Senate floor and doing so. It seems to me that that is the least we, as a collective body and an institution, can expect from the individual Members.

So repeating and in summary, there will be a rollcall vote on the Dole-Mitchell amendment now to be offered by Senator DOLE. It will be in just a few minutes. That will be the last rollcall vote today. I will then seek to obtain unanimous consent to identify and limit the remaining amendments with times on most of them, and then we will proceed. Whether we get the agreement or not, we are going to proceed tomorrow. It might make it a little bit more difficult and longer if we do not get one, but I repeat it so there can be no misunderstanding by Senators with respect to preparation of their schedules for this weekend. We will remain in session as long as it takes to complete action on this bill and as long as it takes to complete action on this bill this week. So I hope Senators are fully apprised of that.

Mr. President, I thank my colleagues and I yield to the distinguished Republican leader.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, first, I want to say that I hope that we can complete action on this bill. Earlier on today we were encouraging Members on both sides to understand this will not be the last bill we will have this year. There will be others. There are other opportunities. Every day is a challenge. Every day provides new opportunities, every day the staff can think of some other amendment. We do not want them to wear out on this one bill.

I must confess to the majority leader that we thought each side could reduce the number to 10. The Democrats reduced theirs to 10, but I think we ended up with 43 on the Republican side. I am certain every one of those is meritorious, but it could be that they will not all be offered on this bill.

I urge my colleagues on this side that if in fact they might go on the defense bill or some bill later on, and if it is germane to that bill, maybe we do not need to offer it on this bill. We started on this bill last Friday. This is Wednesday and shortly going to be Thursday. Tomorrow night will be a long night. I know most Members would like to be gone from here on Friday afternoon. So I do not know who will start, but I think ever more important, if we insist on having our amendments listed, we ought to be here to offer them. It is difficult for the leaders and the managers. The managers cannot do anything. They have been here all day long, since 9:30 this morning, waiting to do business, and they have had some lapses where there was no business to be done.

So again, in the spirit of fairness, and I think the majority leader has been totally open, and fair on this matter and we need to reciprocate where we can, because there are other matters that need to be completed before the August recess starts on August 4. I say to the majority leader that we will continue on this side to not discourage amendments—we will, yes, to discourage some—hopefully we can get an agreement tonight that there will not be any more offered. That would be helpful. That would at least give us some indication of when we might finish. Having said that, I will be working with the majority leader and the manager, Senator HELMS and Senator PELL, if you will expedite completion of this bill.

AMENDMENT NO. 327

Mr. DOLE. Having said that, I send an amendment to the desk on behalf of myself and the distinguished majority leader and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for himself and Mr. MITCHELL, proposes an amendment numbered 327.

Mr. DOLE. I ask that further reading be dispensed with.

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

The amendment is as follows:

EXPRESSING THE SENSE OF THE SENATE CONCERNING THE SITUATION IN LEBANON

SECTION 1. The United States supports the restoration of Lebanon's unity, sovereignty, and territorial integrity, to include the withdrawal of all foreign forces and the disbandment of militias in the context of a reconstituted central government;

The restoration of Lebanon's unity requires a political dialog among the Lebanese, free of intimidation or the threat of violence from any party, foreign or domestic;

The restoration of Lebanon's sovereignty requires a reconstitution of Lebanon's central government through free elections and the extension of that reconstituted government's authority throughout all of Lebanon;

The restoration of Lebanon's territorial integrity requires the withdrawal of all foreign forces;

The continuing conflict in Lebanon has secured for its Lebanese participants neither communal security nor political equality;

The toll of that extended conflict has now exceeded 125,000 lives lost and uncounted thousands more wounded;

The Arab League Higher Committee has called for a ceasefire between the forces fighting in Lebanon and a lifting of the blockades;

The Arab League Higher Committee is seeking a peaceful resolution to the crisis in Lebanon and has called for a meeting of Lebanese parliamentarians at a site outside Lebanon to be chosen by the parliamentarians: Now, therefore, be it

The Sense of the Senate that the Senate hereby—

(1) commends the Bush administration's support for the efforts of the Arab League Higher Committee to restore peace and security to Lebanon;

(2) shares the Bush administration's goals of restoring Lebanon's unity, sovereignty, and territorial integrity, to include the withdrawal of all foreign forces and, in the context of a reconstituted central government, the disbandment of militias;

(3) calls on the President to support actively and publicly all peaceful efforts, including efforts of the Arab League and the United Nations, to: (a) establish a political dialogue among the Lebanese that is free of intimidation or the threat of violence from any party, foreign or domestic; (b) reconstitute Lebanon's central government and extend that government's authority throughout all of Lebanon; and (c) secure the withdrawal of all foreign forces;

(4) calls on all Lebanese parties to commit themselves to a process of internal reconciliation whose goal is the restoration of Lebanon's unity through free presidential elections and constitutional reform;

(5) calls on all parties, Lebanese and non-Lebanese, to let that process proceed in an atmosphere devoid of intimidation or threat of violence;

(6) calls on the international community to support actively and publicly such a process and to take all necessary actions to peacefully promote that process;

(7) urges the Bush administration to pursue the issue of Lebanon vigorously in its diplomatic contacts with all parties involved in or interested in the conflict in Lebanon, specifically including the USSR and Syria;

(8) urges the Bush administration to impress upon Syria the need to desist from any further actions which threaten the sovereignty of Lebanon or exacerbate the conflict there; and

(9) urges the Bush administration to encourage the Arab League, the United Nations and all parties to use their influence to the end of restoring Lebanon's unity and sovereignty.

Mr. DOLE. Mr. President, the hour is late. When I say that, I speak both of the hour on the clock—an hour

which calls on all of us to be brief and to the point.

But I speak metaphorically, too, of the situation in Lebanon. The hour is truly late for that war-torn nation.

I am under no illusion that offering and agreeing to this resolution this evening is going to solve any of the critical problems of Lebanon. I am convinced, though, that we must take this stand, this evening.

Lebanon is nearly a country no more. The Syrians have invaded. The national government is split into two competing halves. Ethnic and local militias make a mockery of the concept of national unity. People by the score are dying. A nation, day by day, is disappearing.

I have spoken to the President on the issue of Lebanon. I know that he shares the fundamental goals expressed in this resolution. I know that he is open—indeed he solicited from me—ideas and recommendations on how America can best help foster the outcome we all want in Lebanon.

This amendment lays out some of the essentials of a solution. For us, it lays out this imperative: That America must take a stand now.

We must take this stand now, because it is the right thing to do. As a nation founded on freedom and justly proud of our role as leader of the free world, we cannot just stand by and watch a once free and proud country fall apart.

We must take this stand now, because unless the United States shows some leadership in the cause of Lebanon's survival and sovereignty, who will?

More concretely, this amendment lays out these other criteria: End Syrian aggression. Put America's diplomacy to the task of accomplishing that. End other nation's meddling. Rebuild Lebanese unity through a political process that represents the will of all the lebanese parties.

These are the essentials. This amendment lays them out. Agreeing to this amendment sends the message: It is time to get on with this task.

Mr. MITCHELL. Mr. President, Lebanon and its capital, Beirut, have become contemporary metaphors for violence and death. Over the course of Lebanon's 14-year conflict, more than 125,000 have perished. Four hundred have died in the last 4 months alone, the tragic consequence of the continuing artillery exchanges mainly between the Syrian Army and those elements of the Lebanese Armed Forces loyal to Gen. Michel Aoun.

This long conflict has solved no internal problem nor advanced any cause. No community in Lebanon can claim greater security, no political faction can claim greater national power. Lebanon's 17 religious communities are today arguably less secure, and the country's political factions have lost, rather than gained, national power. Since September 1988, the presidency has been vacant and the prime ministry contested. Parliament is paralyzed and leaderless, its speakership unfilled. The remaining institution of central government, the Lebanese Armed Forces, is splitting between Christian-led and Muslim-led factions. By any measure, the pace of partition is accelerating.

Mr. President, although the political partition of Lebanon is deepening, it is my firm belief that the great majority of Lebanese—both Muslim and Christian—prefer reconciliation and union. If this belief is true, then the fundamental problem in Lebanon is this: those who have the will to compromise and reconcile do not occupy positions of political and military power. Those who do occupy these positions do not yet have the will.

The administration has correctly chosen to encourage all parties to work toward the restoration of a peaceful Lebanon. The Bush administration supports the Arab League's current effort with Lebanese leaders to restore security and stability to Lebanon. We in the United States applaud that effort. We welcome as well the recent Franco-Soviet and Soviet-American joint statements on Lebanon. We believe the Soviet Union can play a constructive role in ending the Lebanon crisis, and we urge that the cooperation on Lebanon continue between the Soviet Union and the West.

We encourage the Arab League's Higher Committee on Lebanon to find a balanced resolution to the Lebanese crisis, a resolution that restores Lebanon's unity, sovereignty, and territorial integrity, and secures the disbandment of militias and the withdrawal of all foreign forces, including those of Syria and Israel.

The withdrawal of Syrian forces is essential, if security and stability ever are to be restored in Lebanon. Syrian forces are perpetuating Lebanon's crisis, not easing it. Whatever they might conceivably contribute to security and order in West Beirut or the Becca Valley is overwhelmed by the death and destruction their recent artillery bombardments have wreaked upon innocent Lebanese. The Lebanese themselves of course bear ultimate responsibility for ending Lebanon's crisis, but let it not be forgotten that the Lebanese alone are not the cause of that crisis, nor are they alone responsible for its continuation.

Syria's armed forces must leave Lebanon. Its seige of the Christian enclave and its occupation of Lebanon must end. That is clear. It is also clear that Lebanon's institutions of central government must be retored as soon as possible, through the election of a consensus president dedicated to the implementation of agreed upon constitutional reforms. Toward those ends, we support the Arab League's recent call for a meeting of Lebanese parliamentarians outside Lebanon, at a site to be chosen by the parliamentarians themselves. If the parliamentarians are not free in Lebanon to discuss and debate reconciliation and constitutional reform, then let them begin the process outside Lebanon.

Mr. President, the amendment I am offering today calls on President Bush to pursue actively and support publicly all peaceful efforts to establish a political dialog among the Lebanese. The amendment makes clear our opposition to the continued occupation of Lebanon by foreign forces, especially those of Syria.

Lebanon must not be ignored. Lebanon must not be treated as a pariah to be isolated from the rest of the international community, for united, Lebanon has much to offer the world, and divided, Lebanon will only continue to undermine regional stability and further international terrorism.

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. The majority leader.

Mr. MITCHELL. Mr. President, before Senators leave, they should be aware that the Senate will come into session not later than 9 a.m. and there will be a rollcall vote not earlier than 9:30 a.m.

So Senators should be aware that a rollcall vote will occur at or about 9:30 a.m. tomorrow and there will be very many votes during the day and a very long session tomorrow night.

I thank my colleagues.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

On this amendment, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from New Mexico [Mr. BINGAMAN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Hawaii [Mr. INOUYE], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

I also announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

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

The result was announced—yeas 94, nays 0, as follows:

29-059 O-90-18 (Pt. 11)

[Rollcall Vote No. 127 Leg.]

YEAS—94

Adams	Garn	McConnell
Armstrong	Glenn	Metzenbaum
Baucus	Gore	Mitchell
Bentsen	Gorton	Moynihan
Biden	Graham	Murkowski
Bond	Gramm	Nickles
Boren	Grassley	Nunn
Boschwitz	Harkin	Packwood
Bradley	Hatch	Pell
Breaux	Hatfield	Pressler
Bryan	Heflin	Reid
Burdick	Heinz	Riegle
Burns	Helms	Robb
Byrd	Hollings	Rockefeller
Chafee	Humphrey	Roth
Coats	Jeffords	Rudman
Cochran	Johnston	Sanford
Cohen	Kassebaum	Sarbanes
Conrad	Kasten	Sasser
Cranston	Kennedy	Shelby
D'Amato	Kerrey	Simon
Danforth	Kerry	Simpson
Daschle	Kohl	Specter
DeConcini	Lautenberg	Stevens
Dixon	Leahy	Symms
Dodd	Levin	Thurmond
Dole	Lieberman	Wallop
Domenici	Lott	Warner
Durenberger	Lugar	Wilson
Exon	Mack	Wirth
Ford	McCain	
Fowler	McClure	

NAYS—0

NOT VOTING—6

Bingaman	Inouye	Mikulski
Bumpers	Matsunaga	Pryor

So the amendment (No. 327) was agreed to.

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

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

The motion to lay on the table was agreed to.

REGARDING HIGH SEAS DRIFTNET FISHING

Mr. HOLLINGS. Mr. President, I rise today to discuss the section of S. 1160 which addresses high seas driftnet fishing. This is a pressing environmental and fishery issue which has long been a concern of the Committee on Commerce, Science, and Transportation.

In 1987, Congress passed Commerce Committee legislation on this issue, the Driftnet Impact Monitoring, Assessment, and Control Act. At that time, we found the use of long plastic gillnets within international waters of the north Pacific Ocean caught thousands of marine mammals, seabirds, and other nontarget species. In addition, lost or abandoned driftnets became "ghost" nets, entangling and killing many more marine animals long after the boats returned to the dock. Of particular concern are the interceptions of U.S.-origin salmon and steelhead trout, encouraging the development of international black markets and leaving U.S. fishermen to take the economic loss. We know now, as we did then, that driftnet fishing is a crime that violates both the laws of the United States and the laws of nature.

Speaking as the chairman of the Commerce Committee, our goal has been to assess and minimize the adverse environmental impacts of high seas driftnet fishing. The committee is currently in the process of reviewing the Driftnet Act and any amendments which may be required. Senator MURKOWSKI's amendment to S. 1160 is supported by a number of members of the Commerce Committee including Senators KERRY, STEVENS, PACKWOOD, GORTON, and myself. The provision seeks to clarify the recent agreement with the Japanese regarding: First, the installation of transponders on all vessels which fish with driftnets in the north Pacific; and second, the placement of a sufficient number of observers aboard vessels within each driftnet fleet to ensure the collection of reliable data. As such, it demonstrates the determination of this body to eliminate the damage caused by high seas driftnet fishing.

Mr. President, I reiterate my support for prompt passage of the amendment on high seas driftnet fishing.

DRIFTNET FISHING IN THE NORTH PACIFIC—SENATE AMENDMENT NO. 286

Mr. D'AMATO. Mr. President, I rise today to join my good friend, Senator MURKOWSKI, in cosponsoring Senate amendment No. 286. This amendment expresses the sense of the Senate relating to the recently concluded agreement with the Government of Japan regarding driftnet fisheries in the north Pacific Ocean.

When the United States-Japan Fishery Agreement Approval Act—the Driftnet Act—was passed in 1987, it was the intent of Congress to express concern about the use of driftnet fishing techniques as stated in title IV of the act. The use of these nets has resulted in the random entanglement and subsequent death of millions of fish, marine mammals, and birds each year. The economic loss to the United States of this "strip-mine" fishing approach by other countries runs into the hundreds of millions of dollars each year.

The unauthorized taking of salmon and other migrating species by foreign vessels is unlawful on the high seas. I feel, as I believe my good friend from Alaska feels, that the U.S. Government must make it known that this sort of "seaway robbery" will not be tolerated. This amendment will help alleviate this problem by expressing the sense of this Senate that fishing fleets of foreign governments in or around U.S. territorial waters must take the steps necessary to meet the enforcement and monitoring requirements of the Driftnet Act of 1987.

I believe this is a timely and worthy amendment, and I urge my colleagues to join me in cosponsoring it.

Thank you, Mr. President.

RESTRICTION ON APPOINTMENTS TO AMBASSADORIAL POSTS—AMENDMENT NO. 289

Mr. BIDEN. Mr. President, throughout my Senate career I have voted consistently against measures that would infringe upon the President's constitutional authority to make appointments to Government positions, especially ambassadorial posts. I have always believed that the President has the right, within reason, to make appointments unencumbered by congressional restrictions.

Of course, this does not mean I have ever advocated that the Senate relinquish its advise and consent role with respect to Presidential appointments. Once appointments are sent to us for confirmation, the Senate has a clear responsibility to assess nominees and approve them based on their qualifications. However, I think the President should have wide latitude in sending whomever he pleases to the Senate for confirmation.

For this reasons, I was reluctant to vote in favor of the amendment to the State Department authorization bill that was offered by my colleague from Tennessee [Mr. GORE]. That amendment urged the President to limit the number of political appointees to ambassadorial posts to 30 percent—a clear restriction of Presidential prerogative.

But as a member of the Foreign Relations Committee I have been made painfully aware of the Bush administration's practices with regard to ambassadorial appointments. Seven months into his term, nearly two-thirds of President Bush's nominees are political appointees—an unprecedented level. During the comparable periods in the Carter and Reagan administrations, 39 and 24 percent of the ambassadorial appointments were political.

Clearly, this is an alarming departure from past practice and must be stopped if we are to protect our interests around the world by sending the best qualified individuals to represent us at foreign posts.

Therefore, I believe that it is time to send the administration a signal that it must curtail its flagrant abuse of the appointment process. That is why I reluctantly voted to express the Senate's desire to put a lid on the number of political appointments that he makes to ambassadorial posts.

ASSOCIATION OF DEMOCRATIC NATIONS AMENDMENT NO. 301

Mr. PELL. Mr. President, I would like to commend my colleague from Massachusetts for his amendment, and I am proud to join him as a cosponsor.

In a speech reminiscent of George Marshall's historic speech, Pakistani Prime Minister Benazir Bhutto proposed to a Harvard commencement audience that a new international organization be created, an Association of Democratic Nations.

The Association of Democratic Nations would promote the most endur-

ing political idea of our century—the right of people to live under a government of their own choosing. Specifically, the Bhutto plan would:

First, encourage observer missions to monitor elections;

Second, assist in the development of independent judicial institutions;

Third, mobilize world opinion against any coupmaker, including possible economic sanctions; and

Fourth, facilitate the provision of assistance from wealthy democracies to newly emerging democracies.

The Bhutto plan is a bold and farsighted initiative from a leader who knows personally the consequences of lost democracy: As a result of Pakistan's most recent military dictatorship, her father was murdered, and Benazir Bhutto subjected to extended imprisonment.

Prime Minister Bhutto knows first hand the value of democracy. I strongly support her effort to strengthen democracy worldwide.

I urge passage of the Kennedy amendment.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, in accordance with my earlier statement, I will now propound a unanimous-consent agreement identifying what I hope will be the only remaining amendments.

Mr. President, I ask unanimous consent that the following be the only amendments remaining in order to S. 1160, that they be amendments in the first degree except where noted, that there be time limitations on amendments when noted, and that relevant second-degree amendments be in order under the same time limitation as the first degree.

A Lautenberg amendment on refugee status, 40 minutes, equally divided;

A Graham amendment on Soviet military assistance to Nicaragua, 30 minutes equally divided;

A Sanford amendment to reduce the bill's level across the board to conform with the budget agreement, 30 minutes equally divided;

A Simon sense of the Senate regarding South Africa, 30 minutes equally divided;

A Levin second-degree amendment to the death penalty amendment providing for life imprisonment without parole, no time limit;

A Dodd amendment relating to foreign aid policy, 30 minutes equally divided;

A Rockefeller amendment regarding U.S. Trade Representative in Tokyo, 30 minutes equally divided;

A Graham-Mack amendment on Cuba, 30 minutes equally divided;

A Robb amendment on Cambodia, 1 hour equally divided;

A Breaux amendment regarding sea turtles, no time limit;

A Dole-Mitchell amendment regarding the PLO, no time limit.

A Mitchell-Dole amendment regarding the PLO, no time limit.

A Wilson amendment to prohibit a Mideast conference at the U.N. 20 minutes equally divided;

A Symms amendment regarding Hong Kong refugees, 10 minutes;

A Symms amendment regarding Mount Alto, 60 minutes equally divided;

A Mack amendment regarding Cuba, 20 minutes equally divided;

A second Mack amendment regarding Cuba, 20 minutes equally divided;

A Specter amendment regarding death penalty to terrorists, no time limit;

A Thurmond second-degree to the Specter death penalty amendment, no time limit;

A Boschwitz amendment regarding the PLO, 40 minutes equally divided;

A Kasten amendment on VOA to China, 20 minutes equally divided;

A McClure amendment on MFN status for the U.S.S.R., no time limit.

A Chafee sense-of-the-Senate on the Middle East, 60 minutes equally divided;

A Murkowski amendment on Cambodia, 60 minutes equally divided;

A Murkowski amendment on plastic explosives, 10 minutes equally divided;

A Dodd amendment on USIA programming information, 30 minutes equally divided;

An Armstrong amendment regarding China refugees, 30 minutes equally divided;

Three Simpson amendments, one a second-degree to the Lautenberg amendment, a second Simpson amendment on refugee financial aid, a third Simpson amendment on refugees, 30 minutes equally divided on each of the three Simpson amendments;

A Gorton amendment on Chinese students status, no time limit;

A Roth amendment on Polish-American equity fund, 20 minutes equally divided;

A Danforth-Boren amendment on the role of Congress in foreign policy, 20 minutes equally divided;

A Heinz amendment on the Slepak principles for trade, no time limit;

A Heinz amendment on the rain forest, 10 minutes equally divided;

A Kasten amendment second degree to the Heinz amendment, 10 minutes equally divided;

A Humphrey amendment in the second degree to the Poland amendment, no time limit;

A Specter amendment on victims of terrorism, 20 minutes equally divided;

A Specter amendment on international strike force, 20 minutes equally divided;

A D'Amato amendment on Panama elections, 30 minutes equally divided;

A Grassley pending amendment No. 270, no time limit;

A Helms pending amendment, No. 269, no time limit;

A Helms amendment regarding Soviet Georgia, 20 minutes equally divided;

A Helms amendment regarding the Ukranian Famine Commission, 20 minutes equally divided;

A Helms amendment on VOA construction in Morocco and Thailand, 20 minutes equally divided;

A Helms amendment on Soviet bloc loans, 20 minutes equally divided;

A Helms amendment on United States-Soviet boundary agreements as treaties, 20 minutes equally divided;

A Helms amendment on a report on U.S. membership in OAS, 20 minutes equally divided;

A Helms amendment on revolving door State Department ethics, 20 minutes equally divided;

A Helms amendment on the Moscow Embassy, 60 minutes equally divided;

A Helms amendment additional on the PLO, 20 minutes equally divided;

A Helms amendment on the State Department Grievance Board, 20 minutes equally divided;

A Helms amendment on the United Nations transition assistance group, 60 minutes equally divided; and

A Helms amendment on South Africa, 20 minutes equally divided.

I further ask unanimous consent that the agreement be in the usual form with respect to the division of time.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Reserving the right to object, may I ask the distinguished majority leader a question? Is there any amendment listed here which would enable any Senator who put the foreign aid bill on the State Department authorization bill as an amendment?

Mr. MITCHELL. Not to my knowledge. I did not personally prepare the list. I am reading the list prepared by the majority and minority staffs. But the answer to your question is not to my knowledge.

Mr. HELMS. This may not be customary, but would the majority leader allow me at this point to propound a unanimous-consent request stating that such an amendment would not be in order?

Mr. MITCHELL. Mr. President, let me just respond to that to my distinguished colleague from North Carolina. Earlier today in an effort to expedite consideration of this bill, there were discussions between majority and minority staffs, between myself and the Republican leader, and we attempted to reach an agreement that would accommodate the interests of the Senator from North Carolina. My understanding was that the Senator from North Carolina did not want the foreign aid bill brought up. He has made that very clear.

Mr. HELMS. Not in conjunction with this bill.

Mr. MITCHELL. Not in conjunction with this bill?

Mr. HELMS. Correct.

Mr. MITCHELL. I was asked, could we reach an agreement that if I agreed to accommodate the Senator from North Carolina in that respect and agree not to bring the foreign aid bill up as part of this in exchange for that, there would be a limitation of 10 amendments to be offered by the Democrats and 10 by the Republicans.

Now I have just read off a list that has fewer than 10 amendments by the Democrats, and it also has 43 amendments by the Republicans, including 12 offered by the Senator from North Carolina.

Now I ask the Senator from North Carolina to put himself in my shoes.

Mr. HELMS. I will be glad to do that. I do not know what that has to do with my inquiry.

Mr. MITCHELL. What kind of a response is that? What we sought to do——

Mr. HELMS. Are you being critical because they were not limited to 10 amendments on this side? I could not help that, I say to the Senator.

Mr. MITCHELL. You could; you offered 12 yourself. The Senator from North Carolina offered 12 himself, by himself exceeded the limit. What I have been asked to do is to reach an agreement in which I would agree not to attempt to include the foreign aid bill as part of this bill. In exchange for that, there would be a limitation of 10 amendments on both sides. I have carried out my side of the bargain.

Mr. HELMS. You have a better memory, if the Senator will yield.

Mr. MITCHELL. The exchange for that is I now get 43 amendments from the Republican side and a request to accede to that. Let me say to the Senator that it is not my intention to include the foreign aid bill as part of this bill.

Mr. HELMS. That is all I need.

Mr. MITCHELL. I understand that.

Mr. HELMS. Your assurance.

Mr. MITCHELL. You have my assurance.

Mr. HELMS. OK.

Mr. MITCHELL. But I also understand that I have completed my side of the bargain, and I have not received the accommodation from the other side that I understood was part of the bargain: 10 amendments on both sides, and I am presented with 43 from the Republican side.

I have told several Democratic Senators here tonight that they cannot have the amendments they want. I have told them to take the amendments off the list. In exchange for that, I now get not just 10, I get 12 from the Senator from North Carolina alone.

So I give you my assurance, as I did earlier, that I am not going to offer the foreign aid bill as part of this. But I just say to the Senator that it seems to me what we have here is a one-sided discussion in which I am asked to make commitments to which I adhere in exchange for which nothing occurs, and this bill has now completed its fourth long day with no prospect in sight of completion. My answer to you is yes, I give you that assurance that I will not offer the foreign aid bill as part of this bill.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Still reserving the right to object. I do not know why I am getting this lecture because I never agreed to limit this side to 10 amendments because I do not have that power and I think the majority leader knows—did the minority leader make any such agreement with the majority leader? I did not make any such agreement.

Mr. DOLE. We indicated we would do our best to reduce it to that. We were able to get about 18 off. We got more added than off in the final analysis.

Mr. HELMS. This is the second time the distinguished majority leader, who is my friend, has lectured me today.

Mr. MITCHELL. I did not mean it as a lecture. I am stating the facts.

Mr. HELMS. I beg the Senator's pardon. I mentioned this morning you continued to talk about 4 long days in consideration of this bill when the majority leader himself is the one who decided that this bill would be brought up Friday, following which, he told Senators there would be no rollcall votes, and he also told them there would be no rollcall votes on Monday, which meant that Senators went by-by and they were not here, and Senator PELL and I sat here like two potted plants. We did not get anything done. And then on Tuesday, I say to the majority leader—and I say this as your friend—we did not get on the bill until 2:15 yesterday. We did not.

I was late this morning, but I sat here for 2 or 3 hours while we accommodated two Democratic Senators. We could not have any votes. So I hope the Senator will not lecture me because I am doing the best I can. I want to be his friend, and I want to cooperate with him and I will cooperate with him. I think it will work out. I do not mind lectures, and I will never lecture the Senator. But I never agreed to any 10-10 arrangement. I never heard it. Now, Senator DOLE may have heard it, but I did not hear it.

The PRESIDING OFFICER. Is there an objection?

Mr. HELMS. What is the unanimous consent? We have had so much conversation I do not know what the question is. Will the Chair state it?

The PRESIDING OFFICER. The unanimous consent was read at some length, listing each one of the amendments and the accompanying times for those amendments to be considered.

Mr. HELMS. It is only that part of it, the list of the amendments and the times.

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. All right. I have no objection.

Mr. CHAFEE. Well, Mr. President——

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I would like to ask the majority leader a question if I might. I was a little confused as to the amendments in the second degree to these amendments. This thing has a possibility of going on forever.

Mr. MITCHELL. That is correct.

Mr. CHAFEE. Can we lock out second-degree amendments on this? How does one defend one's self? Should everybody come in with one extra amendment so they could close out the tree?

Mr. MITCHELL. I wish we could lock them out, I say to the Senator, but we cannot. We have been trying for 2 days now to get an agreement and this is the most we could get in the way of an agreement. There are some Senators who simply will not agree to an agreement unless they have a right to a second degree, and so my hope is that we can get this agreement. At least then we have it down to about, I believe the number is 53, although it changes rapidly and it may be more, and we can proceed from there and complete it tomorrow.

Mr. CHAFEE. I am for an agreement, but has the Senator tried to lock out second-degree amendments?

Mr. MITCHELL. Yes.

Mr. CHAFEE. Does somebody object?

Mr. MITCHELL. Yes.

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

Mr. HELMS. The Chair had already ruled once.

The PRESIDING OFFICER. The Chair has not ruled. The Chair recognized the Senator from Rhode Island with regard to a question.

Mr. HELMS. We are talking only about the list of amendments and the times assigned thereto.

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. I thank the Chair. Now let me say this, if I may, that today we have handled 43 amendments, despite having to wait and sit like potted plants. But we have done pretty well. We have handled 43 amendments. We had some down time in the morning. I hope that Senators will get over here and get cracking tomorrow so that we

can finish up this bill, because it is not any particular fun to sit here all day long and all night long waiting for people. I understand the frustration of the majority leader.

May I ask, I was presented this earlier today. It says:

Mr. President, I ask unanimous consent that the following be the only amendments remaining in order to S. 1160; that they be amendments in the first degree except where noted; that no motion to recommit be in order; that there be time limitations on amendments when noted; and that relevant second-degree amendments be in order under the same time limitation as the first degree.

But now I get a copy with the words "that no motion to recommit be in order" removed.

Mr. MITCHELL. That is correct. That is what I read.

Mr. HELMS. That is the reason I asked the Chair two or three times if this referred only to the amendments, list of amendments and the times assigned thereto, because I take it that the preceding part has not yet been acted upon. Is that correct?

The PRESIDING OFFICER. The Chair would inform the Senator from North Carolina the entire request propounded by the majority leader included the paragraph the Senator is currently citing.

Mr. HELMS. Notwithstanding the fact that I asked the Chair twice if this was confined to the list of the amendments and the times assigned thereto?

Mr. Mitchell addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. If the distinguished Senator from North Carolina misunderstood the request, or if it was not clear, then I do not believe the agreement should be permitted to stand. I think there should be no misunderstanding. It should be clear. Accordingly, Mr. President, although the Chair has already ruled on it, I ask unanimous consent that my unanimous-consent agreement be withdrawn and that the Senator from North Carolina have the opportunity to express his objection to it upon fully understanding what it is that is being objected to.

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

Mr. HELMS. It is not difficult to understand. Either that phrase is in there or it is not.

Mr. MITCHELL. It is not. It is not in agreement as I presented it.

Mr. HELMS. But it was taken out after this agreement was presented to me.

Mr. MITCHELL. No, I do not believe that is correct. If I could say to the distinguished Senator, the list I read has been the product of efforts all day. If the Senator will observe, there are numerous delineations, inserts, handwritings. This has been changed all day. This was presented as read, and if the Senator objects to it on those grounds, if he wishes to object to it, he should have a full opportunity to do that.

There are numerous—I do not know what document the Senator has. It may be an earlier draft. This has been changed right up to, indeed, while I was speaking; I was handed a sheet that had some inserts or deletions.

Mr. HELMS. It would serve no purpose for me, I say to my friend, for me to object now. It is not going back in. There is no motion I can make, no vote I could have.

Mr. MITCHELL. The Senator from North Carolina may object to it if he disagrees; he has that opportunity. I have asked that the prior agreement as approved be withdrawn because it is clear to me from the colloquy that the Senator from North Carolina understood the Chair's question to be solely to the list and not to the preceding, or the introductory paragraph to the unanimous consent request, whereas the Chair was ruling on the full document.

Therefore, although the Chair has already ruled, in order to give the Senator from North Carolina the opportunity to object, I withdrew my request, thereby voiding the approval and I will now present it as I read it, giving the Senator from North Carolina a full opportunity to object if he wishes to do so.

Mr. HELMS. That will not be necessary because if I objected to it as it is now, that would serve no purpose. The Senator knows that and I know that. But I am just saying that I labored under the impression all afternoon long, and delightedly so, that no motion to recommit would be in order because that is what I had on my sheet, and obviously it had been scratched out here, which is fine. But nobody told me that it was being taken out, and I just happened to see it a while ago. But the Senator need not propound another unanimous consent request. Just let it stand as if it were approved.

The PRESIDING OFFICER. The Chair would inform all Senators the request was withdrawn under unanimous consent, so it would take another unanimous consent request to restate it.

Does the leader wish to renew the request?

Mr. MITCHELL. I renew the request as previously stated.

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

Mr. MITCHELL. I thank the Chair, and I thank my colleague.

Mr. KERRY. Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I would simply like to inquire—I do not want to take long—as occasionally one of the deputized managers on this particular bill and more particularly an observer of the process here for a much shorter time than any of the Senators on the floor, whether there is some way we could ask of the minority, without propounding a unanimous-consent request, which may not be possible to achieve, if, since there are some 43 amendments on that side—and I think only three or four on this side—if there is—I gather that motion means absolutely, whatever I want?

Mr. DOLE. No. I think there are about nine on that side.

Mr. KERRY. About nine. All right. The gaps that existed today were really an enormous loss of time for everybody here. We know tomorrow night is going to be late. Is there some way to proceed that could guarantee the lineup, so to speak, and an expedited process with respect to the movement of these amendments?

Mr. DOLE. We have been urging, as the majority leader knows, all day Members on our side, and it is our hope—we have an early vote tomorrow, and I am not under the illusion that all these 43 amendments are going to be offered. I would be surprised if maybe 20 are offered. It may be more. There may be more offered. I know of four or five myself that are not going to be offered.

So the number is 43. I think it is much less. Some of them are legitimate amendments. Senators want to offer them. We have time agreements on all but three or four. We have one major roadblock, and that is the Specter amendment.

We will try to work it out so it will be freestanding, and brought up at some other time. But certainly we want to work with the majority leader. I think it is normally the minority. I can recall when I was in the majority.

The minority always had the amendments. We were always able to go to our people and say we run the committees, and it is a Republican bill. In this case it is probably a Democratic bill. That means we have more amendments.

I think that goes with the majority-minority status. But notwithstanding that, I have been trying to work with the majority leader throughout the day.

Mr. KERRY. I appreciate the comments. I think the issue is not so much the number. I understand the predicament. I think it is more a question of 45 minutes or an hour that sometimes passed without anything happening.

Mr. DOLE. We hope to be able to take care of that tomorrow. People may play around with this all day. It is tough. Sometimes we get people here. But I think they disposed of 43. That is not bad. Someone said 43, or 35.

Mr. KERRY. I thank the distinguished leader.

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

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

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a cloture petition to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 1160, a bill to authorize appropriations for fiscal year 1990 for the Department of State, the United States Information Agency, the Board for International Broadcasting, and for other purposes.

Senators George J. Mitchell, John Glenn, J.J. Exon, Kent Conrad, E.F. Hollings, Quentin Burdick, Wendell Ford, Charles S. Robb, John F. Kerry, Dennis DeConcini, Paul Simon, Joe Biden, Claiborne Pell, Thomas Daschle, Christopher Dodd, Edward M. Kennedy, Bob Dole, Al Simpson, and Bob Packwood.

Mr. MITCHELL. Mr. President, we have had difficulty today in getting Senators to offer their amendments. As a consequence, there have been lengthy delays. It is my hope that filing of this petition will serve as an incentive to Senators to come over tomorrow to offer their amendments, to have them disposed of. As I indicated earlier, it is my intention to complete action on this bill this week. I hope we will not get to the point where we have to proceed to cloture but it is imperative I believe that we do have that option available in the event that we get to that point.

So I hope again, and encourage Senators to be available tomorrow, to offer their amendments so that we can proceed with some dispatch to what I hope will be final disposition of this matter tomorrow.

I yield to the Republican leader.

Mr. DOLE. I share the view expressed by the majority leader. It might tend to expedite handling of the bill. That is the purpose of the motion. We might even be able to get consent to vote on cloture tomorrow. That would really expedite the process because most of those amendments would fall. But if not, the cloture motion will ripen on Friday. And I think it will encourage Members to be here tomorrow with their nongermane amendments.

Mr. MITCHELL. I thank the distinguished Republican leader.

That is a good suggestion that we ought to consider on tomorrow, as to whether or not to seek consent to vote on that. Perhaps it will have the intended effect in any event.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

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

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,586th day that Terry Anderson has been held in captivity in Beirut.

In the spring of 1988, a French hostage who had shared a cell with Terry Anderson was released. I ask unanimous consent that a Los Angeles Times report on this matter be printed in the RECORD.

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

[From the Los Angeles Times, May 5, 1988]

SAW ANDERSON, FREED FRENCH HOSTAGE SAYS

PARIS.—A freed French hostage said today that he had shared a cell with American Terry Anderson during his captivity in Lebanon.

Asked by a French television reporter how he felt, Marcel Fontaine replied: "We survived."

"I passed the time playing dominoes and chess with my cellmate," he added.

Asked who his companion was, Fontaine replied, "The American, Terry Anderson."

Anderson, 40, chief Middle East correspondent for the Associated Press, is the longest held of the hostages. He was kidnaped March 16, 1985.

Anderson's sister, Peggy Say, said she was encouraged and planned to contact the Frenchman and ask "what Terry is thinking and dreaming about, what his hopes are. How he's surviving." She spoke in a telephone interview from her home in Batavia, N.Y.

Fontaine, Marcel Carton and journalist Jean-Paul Kauffmann arrived in Paris today after being freed a day earlier.

Premier Jacques Chirac said Iran intervened to free the Frenchmen. He said normal relations with Iran, broken July 17, "could be envisaged."

Iran siad it intervened for "humanitarian reasons."

Interior Minister Charles Pasqua told reporters that no money was paid to free the hostages and that France did not negotiate with the captors. But a Syrian mediator, Omram Adham said in Geneva that France repaid $670 million in borrowed money to Iran and made other compensation to the kidnapers.

Diplomats Carton, 62, Fontaine, 45, and journalist Kauffmann, 44, arrived at the military airport of Villacoublay in a special government jet.

"It's an incredible day," Kauffmann said, looking thin but healthy. "But it's also a day which remains overshadowed because we are just three."

He then recalled Western hostages still being held in Beirut "leading that nightmare life."

Carton said the three saw other hostages, but did not know who they were.

Chirac also thanked Syrian President Hafez Assad and Lebanese military authorities for their help in gaining freedom for the hostages, who were held by pro-Iranian extremists.

"As we all know, the liberation of our hostages falls into the framework of our relations with Iran," Chirac said. "It's the authorities in Tehran who intervened with the captors so that they freed our countrymen."

AIDS UPDATE

Mr. CRANSTON. Mr. President, according to the Centers for Disease Control, as of June 31, 99,936 Americans have been diagnosed with AIDS; 57,094 Americans have died from AIDS; and 42,842 Americans are currently living with AIDS.

Mr. President, 2,743 more Americans have developed AIDS and 1,521 Americans have died from this horrible disease during the month of June.

Mr. President, over the last few years, a number of experimental and potentially life-saving drugs for AIDS have been developed that are currently undergoing testing. Accompanying these efforts has been a considerable attempt to help match qualified people with AIDS with appropriate clinical trials. The National Institute of Allergy and Infectious Diseases, for example, has recently established a new NIAID AIDS Clinical Trials Information Service—a free computerized service providing up-to-date information about clinical trials sponsored by the National Institutes of Health for people with AIDS and others infected with the human immunodeficiancy virus [HIV]. Despite these efforts, however, many of those with AIDS are, for a variety of reasons, unable or ineligible to participate in trials to evaluate new therapies and are, consequently, denied access to promising new drugs.

As my colleagues know, the drug approval process of the Food and Drug Administration is a lengthy and complicated one. Approval of a single drug can take several years. It has been a difficult and often frustrating struggle to balance the need to protect the public against potentially dangerous drugs with the interest in giving terminally ill patients access to potentially life-saving drugs. I firmly believe that it is appropriate from both a public policy and humanitarian point of view to make experimental new drugs, once they have completed safety testing, available to desperately ill persons,

such as those with AIDS, when no other options exist.

For this reason, I was particularly encouraged when Federal officials said recently that they would develop a plan to allow the distribution of experimental drugs that have gone through safety testing, even if testing to determine efficacy was incomplete, so that people with AIDS who could not participate in clinical trials might obtain these potentially life-saving drugs. Although this proposal was greeted enthusiastically, there was some concern that drug manufacturers, being unable to charge for drugs until FDA testing is completed, might hesitate to provide experimental pharmaceuticals free of charge.

Then, last week, one of the Nation's largest pharmaceutical manufacturers, Bristol-Myers, announced that it will soon make available to people with AIDS, at no cost, an antiviral agent called dideoxyinosine [DDI]—an experimental drug that has been shown in early tests to be promising in treating AIDS—while further testing continues. Bristol-Myers' decision is a shining example of urgently needed support from the private sector in the battle against AIDS. A public-private partnership is essential to help make additional treatment options available to people with AIDS, and the compassion and leadership illustrated by Bristol-Meyers in this bold initiative is to be applauded. It is this type of demonstrated commitment that brings hope to those infected with the virus, and I challenge others in the private sector to take similar action to help end this terrible disease. More than ever, we, as a nation, must act in a concerted effort to address swiftly and responsibly this epidemic.

I ask unanimous consent that a July 14 Washington Post article reporting Bristol-Myers' announcement be printed in the RECORD.

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

[From the Washington Post, July 14, 1989]

AIDS DRUG TO BE GIVEN AT NO COST

(By Michael Specter)

In a surprising decision that was immediately hailed by AIDS activists, Bristol-Myers announced yesterday that it will soon make a promising new drug widely available at no cost to AIDS patients until testing to prove its effectiveness is completed.

The unprecedented action is a major victory for advocates who have pushed to give people with AIDS earlier access to experimental drugs. The drug is an antiviral agent called dideoxyinosine (DDI). It appears in early tests to be as effective, but not nearly as dangerous as AZT, the only drug now approved to treat the AIDS virus directly.

"This is a historic development," said Larry Kramer, a leading AIDS activist who founded the AIDS Coalition to Unleash Power (ACT UP), the group that has agitated most vigorously for faster access to experimental drugs. "We are grateful that a pharmaceutical company has put compassion before greed."

Details of the distribution plan are still to be resolved, but Bristol-Myers officials said yesterday that beginning in September, when the next phase of trials gets underway, the company would give the drug to any AIDS patient who needs it but does not qualify to be a part of the testing.

The announcement came as a shock to many high-ranking federal health officials. Scientists from the Food and Drug Administration and the National Institutes of Health have been discussing such a plan with representatives of the company, but they did not expect a decision this quickly.

It is legally up to the FDA to decide whether Bristol-Myers can distribute the drug to people who are not part of a formal test of its effectiveness. Normally, a drug's safety is examined in Phase I tests and its effectiveness is determined during a larger Phase II study. DDI has completed only the Phase I stage.

In the past, it would have been impossible to imagine any company handing out its drug to people before it was proven effective. But AIDS activists have so dramatically changed the FDA's drug approval process over the past two years that federal officials now say that if a drug has proven safe they will consider giving it to people battling a terminal illness well before it has been proven effective.

"It's very good to think about compassionate ways to handle experimental drugs while adhering to the scientific methods needed to find out if they work well," said Samuel Broder, director of the National Cancer Institute and a leading developer of AIDS drugs, including DDI. "But the only thing that will make a durable imprint is whether we can develop scientific knowledge or not."

AIDS activists have long argued that the needs of the research community and of patients with a fatal disease are not very different. As federal officials have watched the activists seize the initiative in shaping the policy that governs testing and approving new drugs, they have come to agree.

Three weeks ago, when Anthony S. Fauci, director of AIDS activities at NIH, proposed a plan to make drugs like DDI available early, AIDS activists reacted with joy. But, since drug companies are not allowed to charge for drugs until after final FDA approval, many people wondered whether the companies would bear the initially large cost.

"We want to do what we can do to help," said Jerry Parret, a spokesman for Bristol-Myers. "Any patient who does not meet the criteria for Phase II clinical trials but for whom DDI is critical would receive the drug."

The company stands to gain in several ways. If the drug proves as good as is hoped, the firm will have established a ready market that will want to continue using it. If the drug proves less toxic than azidothymidine, more commonly known as AZT, it would likely be far more popular. With more than 1 million Americans estimated to be infected with human immunodeficiency virus, or HIV, the potential market is huge.

Under the Bristol-Myers plan, all those who are excluded from DDI's Phase II trial will receive the drug free until it is approved. For various reasons, drug trials often exclude those who could benefit from the substance. Some live too far from a medical center to participate. Others are already taking another drug that may confound the results. Often with AIDS patients, people are too sick to abide by the rigors of the trials. In the past, all of them would have had to wait, possibly for years, to receive a new drug.

"Regulators, researchers, drug companies and most AIDS activists all want these trials to get done right," said Jim Eigo, an ACT UP leader. "We do not want the market flooded with safe but useless drugs."

Eigo and others have said that they will help collect data from all those who receive DDI, which should help the company gather information needed to win FDA approval much more quickly than if they relied only on official studies.

Mr. WALLOP. Mr. President, I wish to join my colleagues in their expressions of sorrow at the passing of our dear friend, Alan Woods. Alan was a remarkable man and a tireless civil servant, striving to better the United States and our relations with the rest of the world. In his final post as Administrator of the Agency for International Development [AID] and his prior position as Deputy U.S. Trade Representative, Alan was a strong proponent of the free market system, helping to open foreign markets to American trade. Alan has also left his mark through his efforts for international economic development.

Alan Woods was a fine citizen and a devoted family man. I extend my most heartfelt condolences to his wilfe and children in this time of grief. The death of Alan Woods is a great loss to this country which he loved so dearly, and he will be sorely missed by all that knew him.

UNITED NATIONS VOTING REPORT

Mr. KENNEDY. Mr. President, I want to commend the chairman of the Foreign Relations Committee, Senator PELL, and the other members of the committee for including in this bill a number of changes that greatly improve the quality of the State Department's annual Report to Congress on Voting Practices in the United Nations.

These changes were first suggested during a debate on the floor of the Senate last year and subsequently developed in my proposal for changes which became the basis for section 403 of the bill, which deals with the report.

Since I first raised this isue, many of my colleagues, current and former Ambassadors to the U.N., and several experts on voting in the United Nations, have joined in calling attention to the inaccuracies and distortions created by the report's "voting coincidence scores." These scores are flawed because they focus exclusively on the number of times that other nations vote with us or against us on U.N. rollcall votes, regardless of the importance of those votes to U.S. foreign policy objectives.

All of us are familiar with the use of voting records on domestic policy issues. They are widely used by interest groups to try to give a sense of which Senators tend to support the position of the groups and which Senators tend to oppose the groups.

But in preparing these voting records, no group uses as its base all the rollcall votes in a given year. They select 10 or 20 key votes on which to base their analysis and calculate the percentage of agreement or disagreement. It makes no sense to lump dozens of irrelevant votes into the base for the calculations, and no interest group does it.

The methodology used to generate these scores is flawed because it forces the State Department to focus virtually exclusively on a meaningless mathematical percentage of votes. It completely ignores absences, abstentions, and the wide range of important issues that are resolved by consensus and negotiation, often under the leadership of the United States, and without rollcall votes. As a result, the "voting coincidence scores" distort the real record of support that we often enjoy on issues of major importance to us in the U.N.

The original legislation calling for these annual State Department reports was enacted with the legitimate purpose of helping Congress to assess the degree of support for U.S. foreign policy in the United Nations. The use of raw "voting coincidence scores" is inconsistent with that purpose, because the scores are incapable of fairly or accurately measuring support for our position, and because the scores easily lend themselves to mindless U.N.-bashing in the hands of certain ideological interest groups. Nevertheless, in 1986 Congress chose to amend the statute to mandate the inclusion of these "voting coincidence scores" in the annual report.

In recent years, high officials in both the Reagan and Bush administrations have come to recognize the potential of these discredited scores for such abuse.

One of our most distinguished diplomats, Thomas R. Pickering, U.S. Ambassador to the United Nations, agrees that the scores are dubious. During his recent confirmation hearings he noted:

> The problem [with the voting coincidence scores] is that having a higher score than everyone else does not guarantee greater support for the United States. * * * Nor does having a lower score than everyone else guarantee less support * * *. The formula used to generate the scores does not necessarily show the extent to which a country supports U.S. policy.

During a Senate Appropriations Subcommittee hearing earlier this year, Ambassador Pickering spoke of the "inadequacies of the present reporting format," saying the "voting coincidence scores do not have a statistical basis and a statistical continuity * * * they are in fact compilations of information that do not add up to what they purport to add up to."

Ambassador Pickering's predecessor at the U.N., Vernon A. Walters, is no admirer of the "concidence scores" either. In the State Department's most recent voting report, Ambassador Walters was forced by statute to include the scores, but he went out of his way to disavow them. He wrote:

> As I have previously cautioned the Congress, the statistical system used to measure voting patterns, as required by law, does not give a comprehensive or accurate picture of the results of the General Assembly sessions.

Ambassador Walters goes on for two pages in the report's introduction, talking about the invalidity of these scores and warning the reader against making comparisons between one report and another.

Former Permanent Representative to the U.N., Ambassador Jeanne J, Kirkpatrick, has also noted the inadequacies in the report. in 1985, she said that these computations "cannot legitimately be regarded as reflecting the level of support for the United States."

Lincoln P. Bloomfield, professor of political science at MIT, has written that the methodology used in this report is "fatally flawed and if applied by one of my students at MIT would justify a failing grade. The only wonder is why it has been tolerated so long by those interested in a serious analysis of the situation."

As a result of the reforms mandated by this legislation, future reports will be greatly improved. They will include several new sections which I hope will provide a clearer and more accurate picture of voting in the United Nations. For example, 64 percent of the decisions during the recent session of the General Assembly were taken by consensus and many of those issues are of great importance to us. Future reports will include a qualitative analysis of those decisions.

Future reports will also include information about all of the votes of special importance to U.S. foreign policy objectives, instead of just 10 votes, as has been the practice in the past. It will also include all of the raw data, including absences and abstentions, on U.N. General Assembly votes. There are several other additions which are included in the bill which I believe will improve its quality.

Again, I commend the chairman, the members of the committee, and all of the experts who have contributed to making these changes possible. I look forward to next year's report. I believe that these reforms will enable the State Department to produce a much more balanced and objective report on voting practices in the United Nations and minimize the distortions and inaccuracies which have been caused in the past by the undue prominence given to the "voting coincidence scores."

Mr. President, I ask unanimous consent that a collection of comments by distinguished officials of the present administration, past administrations, and other officials and experts on this issue be printed in the RECORD.

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

COMMENTS ON THE USE OF "VOTING COINCIDENCE SCORES" IN THE STATE DEPARTMENT'S ANNUAL REPORT ON VOTING PRACTICES IN THE UNITED NATIONS

"The voting coincidence scores do not have a statistical basis and a statistical continuity as far as I can see, and they are in fact compilations of information that do not add up to what they purport to add up to."—U.S. Ambassador to the United Nations, Thomas R. Pickering, March 1989

"Another problem applies to comparing scores. This problem occurs in comparisons between countries or groups during any single session, as well as between a country's or a group's scores from one year to another. The problem is that having a higher score than everyone else does not guarantee greater support for the United States on issues of importance to us. Nor does having a lower score than everyone else guarantee less support. * * * the formula used to generate the scores does not necessarily show the extent to which a country supports U.S. policy."—Ambassador Pickering, May 1989

"The methodology we use was originally developed for a very different purpose and does not generate accurate voting coincidence data of the kind that Congress wants. The voting coincidence figures promote invalid comparisons between countries; they are even more inaccurate when used to make comparisons from one year to another."—Michael Metelits, Director, Department of State Office of Multilateral Coordination, January 1989

The computations in the U.N. report "cannot legitimately be regarded as reflecting the level of support for the United States"—Former U.S. Ambassador to the United Nations, Jeanne J. Kirkpatrick, 1985

"As I have previously cautioned the Congress, the statistical system used to measure voting patterns, as required by law, does not give a comprehensive or accurate picture of the results of the General Assembly sessions."—Former U.S. Ambassador to the United Nations, Vernon A. Walters, April 1989

"It is useful to recall some of the problems with the methodology. First, the data used to determine the overall level of voting coincidence with the United States are drawn only from recorded votes and exclude the large numbers of resolutions and decisions, many of great importance to the United States, adopted by consensus. Therefore, the voting coincidence statistics are based on a minority of UNGA actions." Ambassador Walters, April 1989

"I think the system is ridiculous. I think the system of measurement reflects no understanding of how the United Nations works * * * I know of no scholar who looks upon it as an accurate measurement."—Former U.S. Ambassador to the United Nations, Donald McHenry, July 1988.

"The report tries to measure our progress on controversial political issues, but it can justly be looked at with a degree of skepticism."—Charles Lichenstein, former U.S. Delegate to the U.N., now with the Heritage Foundation, February 1988

"The methodology used thus far is fatally flawed, and if applied by one of my students at MIT would justify a failing grade. The only wonder is why it has been tolerated so long by those interested in a serious analysis of the situation."—Lincoln P. Bloomfield, Professor of Political Science at M.I.T., August 1988

"The analysis of General Assembly votes can easily be deceptive. It cannot be purely mathematical. The analysis often quoted does not include consensus votes or absences and abstentions. It also does not take special account of votes in which there were overwhelming majorities which have often included the United States. In consequence, this analysis makes the General Assembly seem much more hostile to the United States than it really is."—Secretary-General of the United Nations, Javier Perez de Cuellar, May 1988

SENATOR KASTEN'S LEADERSHIP ON CAPITAL GAINS

Mr. SYMMS. Mr. President, I call to the attention of my colleagues two excellent op-ed pieces by my friend Senator BOB KASTEN. In the February 7 issues of the Milwaukee Sentinel and Washington Post Senator KASTEN has unleashed a real "truth offensive" on the issue of capital gains. Cutting the capital gains tax would spark the kind of investment that will create the jobs for the future. Furthermore, lower capital gains tax rates will increase GNP growth—which means higher tax revenue.

Senator KASTEN has assumed the leadership on this issue by taking a bold and innovative approach to capital gains reform. I am an original cosponsor of Senator KASTEN's new bill because I believe it addresses a number of concerns raised by my colleagues on the other side of the aisle without compromising on the pro-growth aspects of his original proposal to cut the top tax rate from 28 to 15 percent.

I highly recommend these two articles by Senator KASTEN and I ask unanimous consent that they be printed at this point in the RECORD.

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

[From the Washington Post, Feb. 7, 1989]

CAPITAL GAINS: THE RIGHTS CUTS

(By Robert W. Kasten, Jr.)

In 1987, certain that I had discovered a sure-fire way to spark a new job-creation boom, I introduced a bill to cut the tax rate on capital gains from 28 to 15 percent. This proposal was adopted by then-vice president George Bush as a key economic element of his presidential campaign.

But the measure stalled on Capitol Hill. Some of my Democratic Senate colleagues, notably Dale Bumpers of Arkansas, and even a number of my Republican friends raised what I thought were serious objections to my plan.

Senator Bumpers, along with other leading Senate Democrats, supported reforming the capital gains tax to help spur productivity growth. But there were parts of the 15 percent bill that they thought were not the very best we could do to achieve that goal. And on some points at least, they were right. An across-the-board cut in the capital gains rate would, in fact, boost productivity growth and job creation. But it would also promote investment in real estate and collectibles, and encourage the kind of unproductive tax-sheltering activity that atrophied the economy back in the 1970s.

Boosting investment in coins, vintage cars and untenanted office buildings won't spark the kind of technological advances, industrial innovation and small-business formation we need to create 21st-century jobs for our workers.

I learned from last year's legislative debate on capital gains that the idea of lowering the capital gains rate is a sound one, but that it is essential to limit the new capital gains differential to job-creating, wealth-creating investment.

Because they recognize the immense economic value of a low capital gains rate, some of America's chief economic rivals (Germany, South Korea and many other countries) don't tax capital gains at all—and this has substantially increased their competitiveness.

We also have a serious capital shortage in this country. Since Black Monday, risky start-up ventures have found it difficult to sell initial public stock offerings. In a survey of start-up businesses by the national accounting firm Grant Thornton, 50 percent of the respondents said the crash forced them to abandon expansion plans—and only 10 percent eventually found venture-capital financing for their projects.

It would be tragic if we were to allow our disagreement on the specifics of capital gains legislation to sidetrack the competitive boost our workers and businesses need—the boost that Democrats and Republicans alike agree a cut in the capital gains tax rate would provide.

With this in mind, I have worked out a new capital gains proposal that takes into account the most serious objections to the Bush-Kasten proposal of 1987.

My bill contains three major new elements. First, it would reduce the capital gains tax by allowing taxpayers to exclude from their taxable income 50 percent of the capital gain on assets they have held for longer than one year.

But (the second element) it would limit this tax benefit entirely to corporate stocks, which make up only about 35 percent of the capital gains tax base. In this way, we would be able to liberate the capital of which so many small start-up business have been deprived. We would stem the leveraged buyout craze by reducing the cost of long-term equity capital and thus making debt financing less attractive. And we would revitalize our corporations by encouraging them to retain their earnings and reinvest them in increased productivity.

Third, the bill would index capital gains for any year in which inflation rises above 4 percent. While the 50 percent exclusion would lower the tax burden on holders of stock, this indexing provision would ease the burden on holders of non-equity assets, whose capital gains are mostly due to inflation.

It is inherently unfair to tax investors on a purely inflationary gain. Holders of assets such as homes, family farms and land are particularly vulnerable to this tax. Allowing 4 percent inflation to trigger indexing would help persuade investors to save and invest in capital assets instead of letting long-term inflation worries scare them into channeling their income into consumption.

One of the chief objections to last year's proposed capital gains cut was that it would lose revenues for the federal government. That wasn't true then, and it's not true now. More risk capital means more GNP growth, and that means more tax revenues. One Harvard economist estimates that a 15 percent flat rate would rise over $30 billion for the Treasury in three years. And the 4 percent indexing trigger would (according to the Congressional Budget Office's inflation projections) result in zero revenue loss, even using a static revenue model.

It is essential that we come up with a bipartisan, pro-growth capital gains reform bill. My bill is an olive branch to all sides of this debate—and a call to unity on the goals of American jobs, competitiveness and productivity.

[From the Milwaukee Sentinel, Feb. 7, 1989]

CUTTING CAPITAL GAINS TAX WOULD CREATE JOBS

(By Robert W. Kasten, Jr.)

I just introduced a bill in Congress that would create thousands of new jobs for Wisconsin—and already opponents are lining up to call it a massive giveaway to the rich.

It's yet another instance of politicians and political commentators letting their ideology blind them to the truth—and I'd like to clear the air and let the facts tell the story.

My bill, the Entrepreneurship and Productivity Growth Act of 1989, would cut the tax rate on capital gains by 50%. Capital gains are the income investors get from investing in growing businesses. These gains are the reason people invest.

If you reduce the federal tax bite on these gains, investors will invest more of their money in businesses. This investment goes directly into new plants and equipment, and creates economic growth. That means jobs and rising incomes for working families.

We all hear the commentators on television and in the newspapers complaining about how Americans are losing jobs to foreign countries. Have you ever wondered why a job created in South Korea or West Germany couldn't have been created just as easily here in Wisconsin, for a Wisconsin worker?

The answer is simple. Countries such as South Korea, Belgium, West Germany, Italy, Netherlands, Hong Kong and Malaysia don't tax longterm capital gains at all. If you invest in businesses. In those countries you get to keep the whole profit you make.

This also is one reason why many foreign products are of such high quality. We need to promote the investment in new techology that will raise the quality of American products.

West German investors invest in a German company and keep their profit. American investors invest in an American company and lose 28% of their profit to the federal government.

Many people who would invest in the American companies are convinced not to by the fact that our capital gains tax is too high (practically the highest in the whole world).

The result is that new companies in America—the small businesses that create the

most new jobs—don't have enough investors willing to invest in them.

Who gets hit the hardest when this happens? Workers who can't find jobs—jobs that would have existed if only companies had been able to keep themselves afloat and on the road to growth.

When investors are discouraged from investing they don't usually pull their money out of large, well-established companies such as IBM and General Motors. They tend to keep away from small, risky companies with a lot of growth potential.

Economist David Birch of the Massachusetts Institute of Technology recently concluded a study that shows that these high-growth companies—which make up only 7% of all companies—create a whopping 87% of all the new jobs in America.

Clearly, if making sure all Americans have a good job is important to us, we have to encourage investment in this kind of company just like the other growing industrial countries do. And that means cutting the tax rate on capital gains.

That's what my bill would do—and it would target the incentive not to invest in tax shelters such as paintings, vintage cars and collectibles, but to the kind of investment that will create the jobs of the future.

Look what happened the last couple of times we cut the capital gains tax. By cutting the tax in 1978 and 1981, we boosted investment in new high-growth companies from just $800 million in 1977 to $4.5 billion (that's right, billion) in 1983. This incredible explosion of investment helped spark the growth that created 19 million new jobs in this decade.

Look at all the Wisconsin success stories that were made possible by venture capital investment—innovative and job-creating companies such as Cray Research in Chippewa Falls and Supercomputing Systems Inc. in Eau Claire.

Wisconsin has one of the nation's brightest labor forces and a can-do work ethic. Combine that with a cut in the capital gains tax and Wisconsin can be America's next Silicon Valley.

The debate on the capital gains tax will boil down very rapidly to one question: Do we care about Wisconsin's future labor force? If we do, we'll cut the tax—and watch the prosperity of the average Wisconsin family grow steadily into the next century.

If we don't, we'll continue to let the high tax stifle investment—and blight the dreams of our children for a more prosperous future.

I'll be on the side of growth—and on the side of Wisconsin workers.

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO LIBYA—MESSAGE FROM THE PRESIDENT—PM 53

The Presiding Officer laid before the Senate the following message from the President of the United States; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

1. I hereby report to the Congress on developments since former President Reagan's last report of January 11, 1989, concerning the national emergency with respect to Libya that was declared in Executive Order No. 12543 of January 7, 1986. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c); section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c) ("IEEPA"); and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c).

2. Since the last report on January 11, 1989, there have been no amendments to the Libyan Sanctions Regulations, 31 C.F.R. Part 550 (the "Regulations"), administered by the Office of Foreign Assets Control ("FAC") of the Department of the Treasury. Additionally, since January 11, 1989, there have been no amendments or changes to orders of the Department of Commerce or the Department of Transportation implementing aspects of Executive Order No. 12543 relating to exports from the United States and air transportation, respectively.

3. During the current 6-month period, FAC has issued a limited number of specific licenses to individuals and corporations to permit them to engage in activities that would otherwise be prohibited by the Regulations. Under FAC licensing procedures, 12 individuals are registered to remain in Libya with immediate family members. Less than ten licenses were extended authorizing transactions in connection with U.S. persons' filings or renewals of Libyan patents, copyrights, and trademarks.

On January 19, 1989, President Reagan authorized the Treasury Department to modify specific licenses of five U.S. oil companies holding concessions in Libya to permit their resumption of operations in Libya or sale of their concessions to controlled or independent foreign nationals. The decision was made in order to protect U.S. interests from forfeiture or expropriation and to avoid the financial windfall that Libya has been receiving from the sale of U.S.-owned oil under the standstill agreements between the oil companies and Libya. Those agreements, which expired June 30, 1989, provided for a suspension of U.S oil company operations in Libya to protect the companies from default on their contractual obligations to work their concessions in Libya. The decision to license reentry of the oil companies did not alter the sanctions against Libya; the U.S. trade embargo and the freeze of Libyan assets remain in effect, as do the bans on travel-related transactions and the use of U.S. passports for travel to Libya.

4. Various enforcement actions mentioned in previous reports continue to be pursued. In addition, during the last 6-month period, FAC received payments of a $7,000 civil penalty from a U.S. broker and a $3,000 civil penalty from a Mexican exporter for their respective roles in an attempted transshipment in June 1988 of canned tuna through the United States to Libya.

5. During the 6-month period, the London Commercial Court directed the London branch of Manufacturers Hanover Trust Company to pay to a Libyan bank funds deposited in London and blocked pursuant to Executive Order 12544. In light of the rulings in this case and the 1987 Bankers Trust Company case, previously reported, FAC licensed Manufacturers Hanover Trust Company to pay the Libyan bank. Two further licenses were issued permitting payment of Libyan funds similarly blocked in the London branches of U.S. banks, as to which litigation was pending before the same London court.

6. The expenses incurred by the Federal Government in the 6-month period from January 11, 1989, through the present time that are directly attributable to the exercise of powers and authorities conferred by the declaration of the Libyan national emergency are estimated at $449,471.60. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the Customs Service, the Office of the Assistant Secretary for Enforcement, the Office of the Assistant Secretary for International Affairs, and the Office of the General Counsel), the Department of State, the Department of Commerce, the Department of Justice, the Federal Reserve Board, and the National Security Council staff.

7. The policies and actions of the Government of Libya continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. I shall continue to exercise the powers at my disposal to apply economic sanctions against Libya as long as these measures are appropriate, and I will continue to report periodically to the Congress on significant developments as required by law.

GEORGE BUSH.

THE WHITE HOUSE, *July 19, 1989.*

REPORT ON THE OPERATION OF THE AUTOMOTIVE PRODUCTS TRADE ACT OF 1965—MESSAGE FROM THE PRESIDENT—PM 54

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

In accordance with the Automotive Products Trade Act of 1965 (Public Law 89-283; 19 U.S.C. 2032), I transmit herewith the twentieth annual report relating to developments during 1985.

GEORGE BUSH.

THE WHITE HOUSE, *July 19, 1989.*

ANNUAL REPORT ON THE NUCLEAR NON-PROLIFERATION ACT OF 1978—MESSAGE FROM THE PRESIDENT—PM 55

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 Foreign Relations:

To the Congress of the United States:

I have reviewed the activities of the United States Government departments and agencies during the calendar year 1988 related to preventing nuclear proliferation, and I am pleased to submit my annual report pursuant to section 601(a) of the Nuclear Non-Proliferation Act of 1978 (Public Law 95-242).

As the report demonstrates, the United States continued its efforts during 1988 to prevent the spread of nuclear explosives to additional countries. This is an important element of our overall national security policy, which seeks to reduce the risk of war and increase international stability. I want to build on the positive achievements cited in this report and to work with the Congress toward our common goal: a safer and more secure future for all mankind.

GEORGE BUSH.

THE WHITE HOUSE, *July 19, 1989.*

MESSAGES FROM THE HOUSE

At 12:58 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 952. An act to authorize the Secretary of the Interior to provide for the development of a trails interpretation center in the City of Council Bluffs, Iowa, and for other purposes;

H.R. 1484. An act to establish a National Park System Review Board, and for other purposes;

H.R. 2799. An act to amend the Agricultural Act of 1949 for the 1990 crops to allow the planting of alternative crops on permitted acreage and to amend the provisions regarding the designation of farm acreage base as acreage base established for oats;

H.R. 2802. An act to amend title 39, United States Code, and associated provisions of other laws, to make technical and perfecting corrections, and for other purposes.

The enrolled bill and joint resolutions were subsequently signed by the President pro tempore [Mr. BYRD].

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

At 1:06 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following bill and joint resolutions:

H.R. 310. An act to remove a restriction from a parcel of land in Roanoke, Virginia, in order for that land to be conveyed to the State of Virginia for use as a veterans nursing home;

S.J. Res. 93. Joint resolution to designate October 1989 as "Polish American Heritage Month";

S.J. Res. 110. Joint resolution designating October 5, 1989, as "Raoul Wallenberg Day"; and

S.J. Res. 129. Joint resolution to provide for the designation of September 15, 1989, as "National POW/MIA Recognition Day".

At 4:48 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 828. An act to authorize appropriations for programs, functions, and activities of the Bureau of Land Management for fiscal years 1990, 1991, 1992, and 1993, and for other purposes; and

H.R. 2883. An act making appropriations for Rural Development, Agriculture, and Related Agencies programs for the fiscal year ending September 30, 1990, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 828. An act to authorize appropriations for programs, functions, and activities of the Bureau of Land Management for fiscal years 1990, 1991, 1992, and 1993, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1484. An act to establish a National Park System Review Board, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2802. An act to amend title 39, United States Code, and associated provisions of other laws, to make technical and perfecting corrections, and for other purposes, to the Committee on Governmental Affairs.

H.R. 2883. An act making appropriations for Rural Development, Agriculture, and Related Agencies programs for the fiscal year ending September 30, 1990, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 952. An act to authorize the Secretary of the Interior to provide for the development of a trails interpretation center in the city of Council Bluffs, IA, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

The PRESIDENT pro tempore (Mr. BYRD) reported that he had signed the following enrolled joint resolution; which had previously been signed by the Speaker of the House:

S.J. Res. 113. Joint resolution prohibiting the export of technology, defense articles, and defense services to codevelop or coproduce the FS-X aircraft with Japan.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, July 19, 1989, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 113. Joint resolution prohibiting the export of technology, defense articles, and defense services to codevelop or coproduce the FS-X aircraft with Japan.

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-1423. A communication from the President of the Federal Agricultural Mortgage Corporation, transmitting, pursuant to law, a report on the uniform underwriting, security appraisal, and repayment standards for qualified loans; to the Committee on Agriculture, Nutrition and Forestry.

EC-1424. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, notification of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Pakistan for Defense Articles estimated to cost $50 million or more; to the Committee on Armed Services.

EC-1425. A communication from the Deputy Assistant Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1426. A communication from the Deputy Associated Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1427. A communication from the Secretary of the Interior transmitting, pursuant to law, the annual report for fiscal year 1988 covering the Outer Continental Shelf [OCS] Oil and Gas Leasing and Production Program; to the Committee on Energy and Natural Resources.

EC-1428. A communication from the Under Secretary of the Treasury, transmitting, pursuant to law, notification that the permanent debt limit of $2,800 billion will be sufficient only until early August; to the Committee on Finance.

EC-1429. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, the third report on Application of Travel Restrictions to Personnel of Certain Countries and Organizations; to the Committee on Foreign Relations.

EC-1430. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-57 adopted by the Council on June 27, 1989; to the Committee on Governmental Affairs.

EC-1431. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-58 adopted by the Council on June 27, 1989; to the Committee on Governmental Affairs.

EC-1432. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-59 adopted by the Council on June 27, 1989; to the Committee on Governmental Affairs.

EC-1433. A communication from the Special Counsel of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, a report of the Secretary of the Army setting forth the findings and conclusions of the Secretary's review of allegations of a violation of law and regulation and mismanagement by officials responsible for contracting at the U.S. Army, Fort Carson, Colorado; to the Committee on Governmental Affairs.

EC-1434. A communication from the Archivist of the United States, transmitting, pursuant to law, a report concerning the administration of the Archivist, the Administration, the National Historical Publications and Records Commission, and the National Archives Trust Fund; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services, without amendment:

S. 1352. An original bill to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes (Rept. No. 101-81).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

Martin Lewis Allday, of Texas, to be Solicitor of the Department of the Interior;

Lou Gallegos, of New Mexico, to be an Assistant Secretary of the Interior;

Stella Garcia Guerra, of Texas, to be an Assistant Secretary of the Interior; and

Constance Bastine Harriman, of Maryland, to be Assistant Secretary for Fish and Wildlife, Department of the Interior.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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. GLENN (for himself, Mr. DIXON, Mr. DURENBERGER, Mr. SIMON, Mr. D'AMATO, Mr. KOHL, Mr. KASTEN, Mr. LUGAR, Mr. COATS, Mr. BURDICK, Mr. BOSCHWITZ and Mr. LEVIN):

S. 1350. A bill to promote the maritime trade interests of the United States in the Great Lakes; to the Committee on Commerce, Science, and Transportation.

By Mr. ROTH:

S. 1351. A bill to temporarily suspend the duty on quizalofop-ethyl; to the Committee on Finance.

By Mr. NUNN, from the Committee on Armed Services:

S. 1352. An original bill to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes; placed on the calendar.

By Mr. BAUCUS (for himself and Mr. SIMPSON):

S. 1353. A bill to enhance drug interdiction in rural areas; to the Committee on the Judiciary.

By Mr. PRYOR (for himself and Mr. STEVENS):

S. 1354. A bill to amend chapter 84 of title 5, United States Code, to correct certain employing agency errors relating to the Thrift Savings Plan, remove certain restrictions on investments for the Thrift Savings Fund, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BUMPERS (for himself and Mr. JEFFORDS):

S. 1355. A bill to assist private industry in establishing a uniform residential energy efficiency rating system, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COATS:

S. 1356. A bill to amend chapter 30 of title 39, United States Code, to designate certain solicitations in the mails as nonmailable matter, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BOND:

S. 1357. A bill to amend the Agricultural Act of 1949 to allow producers to provide the appropriate county committees with actual yields for the 1989 and subsequent crop years, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. RIEGLE (for himself, Mr. DOLE, Mr. PRYOR, Mr. HARKIN, Mr. MOYNIHAN, Mr. DURENBERGER, Mr. MATSUNAGA, Mr. ROCKEFELLER, Mr. CHAFEE, Mr. HEINZ, Mr. CRANSTON, Mr. DECONCINI, Mr. LEVIN, Mr. LUGAR, Mr. SASSER, Mr. INOUYE, Mr. METZENBAUM, Mr. SIMON, Mr. DODD, Mr. JEFFORDS, Mr. ADAMS, Mr. EXON, Mr. PRESSLER, Mr. LIEBERMAN, Mr. FORD, Mr. BURDICK, Mr. MCCONNELL, and Mr. WIRTH):

S. 1358. A bill to amend the Social Security Act to take into account monthly earnings in determining the amount of disability benefits payable to a recipient of disabled adult child's benefits and certain other beneficiaries and to provide for continued entitlement to disability and Medicare benefits for such individuals, and for other purposes; to the Committee on Finance.

By Mr. REID (for himself and Mr. BRYAN):

S. 1359. A bill to provide for the Environmental Protection Agency to relocate certain laboratory facilities from the University of Nevada, Las Vegas, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MITCHELL (for himself, Mr. CHAFEE, Mr. BURDICK, Mr. BAUCUS, Mr. SASSER, Mr. SHELBY, Mr. SARBANES, Mr. CONRAD, Mr. LEVIN, Mr. COATS, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. PRYOR, Mr. BUMPERS, Mr. DECONCINI, Mr. COHEN, Mr. INOUYE, Mr. DODD, Mr. D'AMATO, Mr. JEFFORDS, Mr. REID, Mr. KERREY, Mr. MATSUNAGA, Mr. ADAMS, Mr. CRANSTON, Mr. FOWLER, Mr. DASCHLE, Mr. SIMPSON, Mr. MURKOWSKI, Mr. DOMENICI, Mr. WARNER, Mr. LIEBERMAN, Mr. LEAHY, Mr. HATFIELD, Mr. BENTSEN, Mr. GRAHAM, Mr. BRADLEY, Mr. HUMPHREY, Mr. LUGAR, Mr. ROBB, Mr. WILSON, Mr. PACKWOOD, Mr. KERRY, Mrs. KASSEBAUM, Mr. GORTON, Mr. MOYNIHAN, Mr. KASTEN, Mr. NUNN, Mr. HATCH, Mr. BURNS, Mr. HEINZ, Mr. BOSCHWITZ, and Mr. PRESSLER):

S.J. Res. 181. Joint resolution to establish calendar year 1992 as the "Year of Clean Water"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT:

S. Res. 155. Resolution to establish a temporary special committee of the Senate to provide oversight and guidance with respect to the responsibilities of the Director of National Drug Control Policy; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GLENN (for himself, Mr. DIXON, Mr. DURENBERGER, Mr. SIMON, Mr. D'AMATO, Mr. KOHL, Mr. KASTEN, Mr. LUGAR, Mr. COATS, Mr. BURDICK, Mr. BOSCHWITZ, and Mr. LEVIN):

S. 1350. A bill to promote the maritime trade interests of the United States in the Great Lakes; to the Committee on Commerce, Science, and Transportation.

GREAT LAKES MARITIME TRADE ACT OF 1989

Mr. GLENN. Mr. President, I rise to introduce a bill in association with my distinguished colleagues from the Great Lakes States on behalf of the important maritime trade of our region. Cosponsors are Senators DIXON, DURENBERGER, SIMON, D'AMATO, KOHL, KASTEN, LUGAR, COATS, BURDICK, BOSCHWITZ, and LEVIN.

We are proud of the Great Lakes, Mr. President, of our people, and of our contribution as an agricultural and industrial heartland of the United States.

This bill is titled the "Great Lakes Maritime Trade Act of 1989," and it is directed to our maritime system which is essential to the economic vitality of our area. And because of the importance of our region to the country as a whole, we believe the bill to be in the national interest, as well.

Our maritime transportation is unique in the midwest: it links not

only major commercial areas within our country, and the United States and Canada, our biggest trading partner, but it also—through the St. Lawrence Seaway—ties the world's greatest fresh-water system with the oceanic routes to other continents. We need our maritime trade capability to be strong and competitive. This bill works toward that objective in several ways.

I am pleased to say also that the provisions of this bill have widespread support throughout the Great Lakes region from those interested in protecting and enhancing our maritime trade. A companion bill in the other body already has attracted more than 30 sponsors, including a number of Members from other parts of the country—not just Great Lakes Members.

Let me describe briefly the principal provisions of the bill:

First, title I of the bill is intended to encourage bringing regular ocean-going American flag cargo ship service to the ports of the Great Lakes. Unfortunately in recent years, visits of U.S.-flag vessels in international trade to the Great Lakes have declined dramatically. Most of our exports are carried in foreign ships.

One reason is that under present law, ships built abroad which are newly brought under the U.S.-flag must wait 3 years before they are allowed to carry U.S. Government preference cargoes such as Public Law 480 Food for Peace agricultural exports. This 3-years wait rule deters investors from putting money into modern, reflagged ships which would be economically viable for Great Lakes service.

Title I of this bill would encourage American flag service to the Great Lakes by removing the 3-year waiting rule for reflagged vessels serving us. At the same time, the bill keeps U.S. shipyard interests in mind by requiring that the reconditioning, repair, and maintenance work on these American Great Lakes vessels shall be done in the United States. And these ships of course would be manned by American crews, adding to our sea-going as well as onshore employment.

Title II of the measure contains several provisions to maintain and assist in the viability of the Great Lakes/St. Lawrence Seaway trade and transportation system. To describe them in their order in the bill:

Section 201 provides for extension of the so-called Great Lakes set-aside, which under current law is due to expire at the end of this year. The set-aside, which earmarks for the Great Lakes a historically based share of Public Law 480 title II agricultural shipments, originally was included in the 1985 Food Security Act as part of the compromise under which cargo preference on these shipments was raised from 50 to 75 percent.

The reason for the set-aside—amounting to about 4 percent of the Public Law 480 shipments nationwide—was to reduce the injury to Great Lakes exports caused by the cargo preference increase, in view of our lack of U.S. flag service. The increased 75 percent cargo preference rate is still in effect indefinitely. Therefore, this bill seeks to maintain the status quo of the 1985 farm bill by retaining the Great Lakes set-aside and not letting it die at the end of this year.

Section 202 addresses the project for a second lock at Sault Sainte Marie. This vital passageway connects Lake Superior with the rest of the system. It is the conduit for large amounts of cargo such as export grain and the ores needed for U.S. steel mills.

The facilities at the Soo are aging and a replacement lock has been delayed pending an agreement on cost-sharing. The bill does not deal with the cost-sharing question, which is being worked on separately by the interested parties, but it does extend the current authorization period of the project until 1993 and it directs the Army Corps of Engineers to go ahead with preliminary work.

Section 203 calls for United States initiation of discussions with Canada on elimination of St. Lawrence Seaway tolls. The Seaway is a binational system, with more of the locks going through Canadian territory than American.

On the American side, we provide rebates to the users of the locks. But the Candian Government still collects its tolls and keeps them.

It would be beneficial for both American and Canadian shipping, and for other shipping and the seaway trade generally, if the Canadians were to adopt a toll policy similar to ours. The bill calls on the Secretary of State to initiate discussions with the Canadian Government on this matter.

Lasty there is a sense-of-Congress provision recognizing the importance of adequate icebreaking capability for the Great Lakes so that the voyages will not be disrupted either early or late in the season due to unseasonal icing. The U.S. Coast Guard cutter *Mackinaw*, currently assigned to the Great Lakes, or an equivalent icebreaker is needed for the task, as the bill states. While this provision emphasizes the importance of holding the line on existing ice-breaking capability, it does not seek to expand the shipping season or to expand icebreaking capability. The actual funding for the icebreaker maintenance and repair is carried in separate appropriations legislation and is not a cost item here. Nor is the bill a budget breaker in any other respect. There is no money required other than that which has already been authorized.

In sum, this is a bill with broad support and one which seeks to support and promote maritime trade which is important to the Great Lakes region. We believe this is in the interest of not only our section of our Nation but to the whole Nation as well. We look forward to its future consideration in the Senate.

Mr. President, I ask unanimous consent that the text of my bill be printed at this point in the RECORD.

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

S. 1350

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 "Great Lakes Maritime Trade Act of 1989".

SEC. 2. FINDINGS AND POLICY.

(a) FINDINGS.—The Congress finds the following:

(1) Because approximately one-third of the population of the United States lives in States bordering the Great Lakes, because approximately one-half of the manufacturing capacity of the United States is located in those States, because the Great Lakes region is an integral component of the midwest agricultural heartland, and for other reasons, maintaining the economic well-being of the Great Lakes region is in the economic and strategic interests of the United States.

(2) A strong maritime trade capability is important to the economy of the Great Lakes region.

(b) POLICY.—It is in the national interest of the United States to foster a strong and competitive maritime trade capability for the Great Lakes region, including by resuming regular ocean-going United States-flag vessel service in the Great Lakes.

TITLE I—ELIGIBILITY OF CERTAIN REFLAGGED VESSELS IN THE GREAT LAKES TO CARRY PREFERENCE CARGOES

SEC. 101. EXEMPTION OF AMERICAN GREAT LAKES VESSELS FROM RESTRICTION ON CARRIAGE OF PREFERENCE CARGOES.

(a) EXEMPTION FROM RESTRICTION.—The restriction described in subsection (b) shall not apply to an American Great Lakes vessel.

(b) RESTRICTION DESCRIBED.—The restriction referred to in subsection (a) is the restriction in section 901(b)(1) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b(1)), that a vessel which is—

(1) built outside the United States;

(2) rebuilt outside the United States; or

(3) documented under any foreign registry;

shall not be a privately owned United States-flag vessel under that section until the vessel is documented under the laws of the United States for a period of 3 years.

SEC. 102. DESIGNATION OF AMERICAN GREAT LAKES VESSELS.

(a) IN GENERAL.—The Secretary shall designate a vessel to be an American Great Lakes vessel for purposes of this title if—

(1)(A) the vessel is documented under the laws of the United States; or

(B) the Secretary determines that the vessel—

(i) meets appropriate safety requirements; and

(ii) will be documented under the laws of the United States not later than 90 days after the end of the first Great Lakes shipping season during which the vessel is an American Great Lakes vessel;

(2) the Secretary receives an application for such designation submitted in accordance with regulations issued by the Secretary under subsection (d); and

(3) the owner of the vessel enters into an agreement in accordance with subsection (b).

(b) CONSTRUCTION AND PURCHASE AGREEMENT.—As a condition of designating a vessel as an American Great Lakes vessel under this title, the Secretary shall require the person who will be the owner of the vessel at the time of that designation to enter into an agreement with the Secretary which provides that—

(1) all repair, maintenance, reconditioning, and other construction—

(A) required to be performed on the vessel for it to qualify for such designation; and

(B) performed on the vessel during the period of that designation;

shall be performed in the United States, except emergency repairs which are necessary to enable the vessel to sail safely from a port outside of the United States; and

(2) if the Secretary determines that the vessel is necessary to the defense of the United States, the United States Government shall have, during the 120-day period following the date of any revocation or termination of such designation under section 104, an exclusive right to purchase the vessel for a price equal to—

(A) the approximate world market value of the vessel; or

(B) the cost of the vessel to the owner less an amount representing reasonable depreciation of the vessel;

whichever is greater.

(c) CERTAIN FOREIGN REGISTRY AND SALE NOT PROHIBITED.—Notwithstanding any other law, if the United States does not purchase a vessel in accordance with its right of purchase under a construction and purchase agreement under subsection (b), the owner of the vessel shall not be prohibited from—

(1) transferring the vessel to a foreign registry; or

(2) selling the vessel to a person who is not a citizen of the United States.

(d) ISSUANCE OF REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall issue regulations establishing requirements for submission of applications for designation of vessels as American Great Lakes vessels under this section.

SEC. 103. RESTRICTIONS ON OPERATIONS OF AMERICAN GREAT LAKES VESSELS.

(a) IN GENERAL.—Subject to subsection (b), an American Great Lakes vessel shall not be used to engage in trade—

(1) from a port in the United States that is not located on the Great Lakes;

(2) between ports in the United States; or

(3) between Great Lakes ports in the United States and Great Lakes ports in Canada.

(b) OFF-SEASON CARRIAGE EXCEPTION.—

(1) IN GENERAL.—Subject to paragraph (2), an American Great Lakes vessel may be used to engage in trade otherwise prohibited by subsection (a)(1) for not more than 90 days during any 12-month period.

(2) LIMITATION.—An American Great Lakes vessel shall not be used during the Great Lakes shipping season to engage in trade referred to in paragraph (1).

SEC. 104. REVOCATION AND TERMINATION OF DESIGNATION.

(a) REVOCATION.—The Secretary shall revoke the designation of a vessel as an American Great Lakes vessel immediately upon determining that—

(1) the vessel does not meet a requirement for such designation;

(2) the vessel has been operated in violation of this title; or

(3) the owner of the vessel has violated a construction and purchase agreement under section 102(b).

(b) TERMINATION.—The designation of a vessel as an American Great Lakes vessel under this title shall terminate—

(1) 3 years after the date of that designation; or

(2) on such earlier date as may be requested by the owner of the vessel.

SEC. 105. DEFINITIONS.

In this title—

(1) GREAT LAKES.—The term "Great Lakes" means Lake Superior; Lake Michigan; Lake Huron; Lake Erie; Lake Ontario; the Saint Lawrence River west of Saint Regis, New York; and their connecting and tributary waters.

(2) GREAT LAKES SHIPPING SEASON.—The term "Great Lakes shipping season" means the period of each year during which the Saint Lawrence Seaway is open for navigation by vessels, as declared by the Saint Lawrence Seaway Development Corporation created by the Act of May 13, 1954 (33 U.S.C. 981 et seq.).

(3) AMERICAN GREAT LAKES VESSEL.—The term "American Great Lakes vessel" means a vessel which is so designated by the Secretary in accordance with section 102.

(4) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(5) UNITED STATES.—The term "United States" means the 50 States.

TITLE II—GREAT LAKES MARITIME PASSAGE ENHANCEMENTS

SEC. 201. EXTENSION OF GREAT LAKES PUBLIC LAW 480 SET ASIDE.

Section 901b(c)(2)(B) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241f(c)(2)(B)) is amended by striking "calendar years 1986, 1987, 1988, and 1989" and inserting in lieu thereof "each calendar year".

SEC. 202. PROJECT FOR SECOND LOCK AT SAULT SAINTE MARIE, MICHIGAN.

(a) INITIATION OF DESIGN, PLANNING, AND ENGINEERING.—Notwithstanding any requirement of the Water Resources Development Act of 1986 (33 U.S.C. 2201 et seq.) that a cost sharing agreement be entered into before design, planning, and engineering may be initiated for a water resources project authorized by that Act, the Secretary of the Army shall initiate not later than 30 days after the date of the enactment of this Act, and shall complete not later than 5 years after that date of enactment, design, planning, and engineering of the Sault Sainte Marie lock project.

(b) EXTENSION OF AUTHORIZATION OF PROJECT.—Notwithstanding section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a), the Sault Sainte Marie lock project is hereby modified by extending the period during which that project is authorized until the end of fiscal year 1993.

(c) SAULT SAINTE MARIE LOCK PROJECT DEFINED.—In this section the term "Sault Sainte Marie lock project" means the project for construction of a second lock at Sault Sainte Marie, Michigan, authorized by section 1149 of the Water Resources Development Act of 1986 (Public Law 99-662).

SEC. 203. NEGOTIATIONS FOR ELIMINATION OF GREAT LAKES AND SAINT LAWRENCE SEAWAY TOLLS.

(a) SECRETARY OF STATE TO INITIATE NEGOTIATIONS.—The Secretary of State shall initiate discussions with the Government of Canada at the earliest practicable date with the objective of eliminating all tolls on the Great Lakes and the Saint Lawrence Seaway.

(b) REPORT.—The Secretary of State shall submit a report to the Congress not later than January 1, 1990—

(1) describing attempts by the Secretary of State to initiate discussions pursuant to subsection (a) and any results of those discussions; and

(2) recommending what further action should be taken to urge the Government of Canada to cooperate with the United States in eliminating tolls on the Great Lakes and the Saint Lawrence Seaway.

SEC. 204. GREAT LAKES ICEBREAKING CAPABILITY.

(a) FINDINGS.—The Congress finds the following:

(1) It is in the national interest of the United States to maintain adequate icebreaking capability in the Great Lakes because of the importance of maritime commerce in the Great Lakes region.

(2) More than 175,000,000 tons of cargo moved through the Saint Lawrence Seaway in domestic and foreign trade during 1988, including raw materials for United States factories, agricultural exports, and manufactured goods.

(3) Such commerce is significant for the United States peacetime economy and for maintaining the capability of the United States merchant marine to support the national defense.

(4) Adequate icebreaking capability is required for international shipping in the Great Lakes-Saint Lawrence Seaway system.

(5) Because shipping schedules usually must be set well in advance, persons engaged in international shipping require assurance that voyages can be completed in the Great Lakes without undue delays, including delays from unseasonal icing.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) funding for icebreaking capability in the Great Lakes should be maintained at a level sufficient to ensure passage for domestic and international shipping under any conditions which may reasonably be expected to occur during the Great Lakes shipping season; and

(2) to accomplish this purpose it is essential to maintain in the Great Lakes an icebreaking vessel with horsepower and beam equivalent to those of the United States Coast Guard cutter Mackinaw.

Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of the Great Lakes Maritime Trade Act of 1989. I would like to commend my distinguished colleague from Ohio, Senator GLENN, for his leadership in introducing legislation which is so vital to Great Lakes ports.

The Great Lakes/seaway system commenced operations in 1959, typing the industrial and agricultural heartland of the United States to international commerce. This system has been trumpeted as the Nation's fourth seacoast.

Last year, the seaway ended its 30th operating season with a cumulative tonnage of 1,238,912,000 tons. In 1988, approximately 3,100 commercial vessels traveled through the U.S. seaway locks. The cargo that is shipped over the Great Lakes is astounding. Last year alone, Great Lakes ships carried approximately 67.9 million tons of iron ore, 40.5 million tons of coal, and 5.3 million tons of grain.

The intent of this legislation is to bolster Great Lakes maritime commerce, and increase the number of vessels in our merchant marine fleet. The maritime industry on the Great Lakes is important in that it ties commercial centers within the United States to each other, to Canada, and to ports all over the world.

Among other issues, the Great Lakes Maritime Trade Act directs the Army Corps of Engineers to proceed with preparatory work for the replacement lock needed at the Soo Locks, includes an inducement to bring newly reflagged U.S. ocean-going cargo ships into service on the Great Lakes, continues the Great Lakes set-aside for Public Law 480, title II agricultural exports, and calls for negotiations with Canada on elimination of St. Lawrence Seaway tolls.

This legislation is important to the Great Lakes ports which stand to benefit from the needed changes contained in the act. I urge my colleagues to join us in cosponsoring this legislation.

By Mr. ROTH:

S. 1351. A bill to suspend temporarily the duty on quizalofop-ethyl; to the Committee on Finance.

SUSPENDING THE DUTY ON QUIZALOFOP-ETHYL

● Mr. ROTH. Mr. President, I rise to introduce S. 1351 to temporarily suspend the duty on quizalofop-ethyl. This chemical is the active ingredient used by one of my constituents to formulate an important weed control product. Other companies that make products to serve this market already enjoy similar duty free treatment on imports of their raw materials.

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

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

S. 1351

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. QUIZALOFOP-ETHYL.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) is amended by inserting in numerical sequence the following new heading:

"9902.30.18	2-[4-[(6-chloro-2-quinoxalinyl) oxyl-phenoxy]-propionic acid, ethyl ester (quizalofop-ethyl) (provided for in subheading 2933.59.10)	Free	No change	No change	On or before 12/31/94".

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.●

By Mr. BAUCUS (for himself and Mr. SIMPSON):

S. 1353. A bill to enhance drug interdiction in rural areas; to the Committee on the Judiciary.

RURAL DRUG INITIATIVE ACT

Mr. BAUCUS. Mr. President, I am today introducing the rural drug initiative to improve Federal drug interdiction efforts in rural areas. In the past years less populated areas were able to avoid many of the problems associated with big cities. But, unfortunately, the problem of drug abuse is catching up with us in rural areas.

Here are some alarming facts concerning drug use in Montana: In 1986 an ounce of cocaine in Billings, MT, cost approximately $2,600. Today the price is down to $900. As the laws of economics tell us, as price decreases, supply increases.

Drug Enforcement Administration cocaine arrests in Montana have increased 100 percent in the last 5 years. Members of the Los Angeles street gang, the Crips, have been arrested in Billings on drug charges.

Methamphetamine, a highly addictive speed derivative, is growing in popularity and may pose as big a problem as crack.

Rural areas are especially conducive to methamphetamine production. Montana law enforcement authorities have shut down 12 methamphetamine labs in the State during the past few years. That is compared with five labs shut down in the entire decade of the 1970's.

A runaway shelter in Billings, MT. estimates that 90 percent of the children it serves are substance abusers. The average age of runaways is 14 years. A recent poll conducted by Yellowstone County revealed that sixth graders had access to crack, and a small percentage of them had used crack within 30 days of the survey.

The point is not to paint a picture of Montana as a haven for drug dealers and users; instead, it is to let the Senate know that rural areas are not immune to the problems of drug abuse, and that we should receive adequate resources for our needs.

In many ways rural areas experience problems similar to their urban counterparts. Drug arrests are increasing at unprecedented rates. Students are exposed to drugs at younger ages, and dealers are becoming more blatant and more violent in their trade. But rural areas face unique problems as well. Small towns with historically low-crime rates are sometimes unprepared for the introduction of drug-related crimes.

The sudden need for additional law enforcement agents can place a great burden on city and county budgets. And the production of methamphetamine, commonly refered to as crank, poses another problem.

The production of methamphetamine, commonly referred to as crank, poses another problem. Crank producers like to find secluded areas to set up their labs. They know they can avoid detection easier in rural areas with fewer neighbors around than in cities.

Rural law enforcement agents generally must cover more ground than agents in cities. Montana, for example, encompasses over 145,000 square miles. The distance from Washington, DC, to the State of Maine is less than the distance between Ekalaka, MT, and Eureka, MT. Montana's Canadian border is over 500 miles long. We border four States.

Despite these distances, Montana has only three Drug Enforcement Administration agents.

This does not look like a Federal commitment to ending the war on drugs to me. Rather it looks like an abdication.

The Federal grant formula contained in last year's drug bill also does not recognize the drug enforcement problems caused by geography. Montana receives funding similar to other States with similar population, but many of these States are a fraction of the size of my home State of Montana.

That is why my bill contains a rural State set aside to help make up for the distances we need to cover. The bill also authorizes the hiring of 30 new agents to be assigned to rural areas.

In addition, my bill also requires Director William Bennett to designate someone in his office to coordinate interdiction efforts in rural areas. That way, our needs will not be overlooked in the Federal drug interdiction policymaking effort.

My bill also allows States to make the most of resources they already have.

The rural drug initiative would set up a five-State pilot program for highway patrol units that develop plans to coordinate their work with State and local drug interdiction efforts.

It would also require the Federal Law Enforcement Training Academy in Georgia to develop special training for rural drug interdiction efforts.

The Federal war on drugs must be fought everywhere in the country. That means the Government must recognize there are battles in all our States, not just the ones with big cities.

Montana law enforcement officers and their counterparts in other less-populated States currently are bearing more than their share of the work and the cost of drug interdiction. My bill would help even things out.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, if I might speak for a moment on the bill Senator BAUCUS has introduced. I am pleased to join him as a cosponsor of that measure. I think it is excellent legislation, and particularly urge my colleagues from Montana, Wyoming, and other Western States to look at it very carefully.

Indeed, drug traffic and drug abuse are pervasive national problems which affect rural communities as well as urban areas.

However, the existing drug interdiction funds do not recognize the resource needs of the enforcement officials in rural areas and small towns.

In rural areas like Wyoming and Montana, law enforcement officials must often cover huge expanses of territory. They patrol even the unpopulated areas in search of drug manufacturing labs—many of which have now moved inland from the western seaboard. They also have to cover miles of highway that serve as a transcontinental pipeline for hundreds of millions of dollars of illegal narcotics.

Without the significant resources available to large metropolitan areas, rural drug enforcement activities fall to the highway patrolman, rather than to the special narcotics policing unit.

Under the current appropriations formula, most drug interdiction resources are absorbed by the eastern and western seaboards. The drug problems in urban areas are much more acute and high-profile than they are in States like Wyoming. However, as the law cracks down on producers and distributors on the coasts, more and more of these crass and greedy bums are moving inland, and our drug problems are growing as a result.

Mr. President, this bill recognizes finally that drugs are as real a problem in the Big Sky country of Montana, and in wonderful Wyoming as they are in the inner cities. Without focused interdiction efforts in those areas, we just cannot win the national war on drugs.

To illustrate—and this is rather remarkable—the Wyoming Highway Patrol recently stopped a car with California plates on a legitimate traffic violation only to discover 8½ pounds of cocaine in a spare tire. A State agent then accompanied the two men to their destination in Wisconsin, where he delivered a dummy package to two more individuals. As it turns out, this led to the bust up of one of the largest cocaine rings in Madison, WI. Then the agent followed the connections backward, to the original supplier in Florida, where another large ring was broken and all involved were tried and imprisoned.

So you see, the ties stretch all across this country—Florida to California to Madison, via Wyoming, the same with Montana, the same with Idaho, the same with Utah, perhaps even with Colorado. Seeing the occupant of the Chair, I thought that was worthy of note.

The people who deal with this doomsday product are now coming to small, rural areas of the United States and setting up shops. There was a rental house in Casper, WY, a couple of years ago where they were really cranking up quite a batch, and the house blew up. That is the way they found them. The remarkable materials that they were concocting in their alchemy of the drug world simply detonated or exploded.

These are not uncommon incidents. The dealers go there because they think rural people are not sophisticated and that the highway patrol cannot handle it—but we have some pretty savvy people in those law enforcement agencies.

Drug enforcement agencies must be trained in arrest followup, and they must have the resources and manpower to do so.

The legislation would at least give rural communities the resources they need to fight the good fight in this national battle. This legislation would set an appropriations level for drug enforcement activities that recognizes the unique needs of rural areas. Its training provisions would help State and local law enforcement authorities coordinate their efforts with highway patrol units to stem the flow of drugs through the I-80 pipeline. In Wyoming, we also have the I-90 pipeline and the I-25 pipeline, three interstates. Most importantly, it would give each of the 15 rural Western States an additional 2 DEA agents to expand the range of criminal investigations into drug networks and to trace supply routes and distribution centers which are becoming a very unwelcome part of the western landscape.

Mr. President, I urge my colleagues to support this bill, and I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1353

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 "Rural Drug Initiative Act".

SEC. 2. COORDINATION OF RURAL DRUG POLICY.

(a) DESIGNATION OF OFFICIAL.—The Director of National Drug Control Policy (referred to as the "Director") shall designate an official in the Office of National Drug Control Policy to act as the Rural Drug Policy Coordinator.

(b) DUTIES OF RURAL DRUG POLICY COORDINATOR.—The Rural Drug Policy Coordinator shall—

(1) examine the special needs of rural areas in drug interdiction;

(2) recommend to the Director policy options for the enhancement of drug interdiction in rural areas;

(3) coordinate the drug interdiction efforts of Federal agencies (including the Bureau of Land Management, the Bureau of Indian Affairs, and the National Forest Service) in rural areas; and

(4) make available to law enforcement agencies in rural areas materials pertinent to drug interdiction in rural areas.

SEC. 3. SET-ASIDE FOR RURAL AREAS.

(a) MODIFICATION OF FORMULA FOR ALLOTMENTS.—Subsection (a) of section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756(a)) is amended to read as follows:

"(a)(1) Of the total amount appropriated for this part in any fiscal year, the amount remaining after setting aside the amount required to be reserved to carry out section 511 of this title shall be set aside for section 502 and allocated to States as follows:

"(A) $500,000 shall be allocated to each of the participating States;

"(B) $5,000,000 shall be allocated to and shared equally among participating States that are special need rural areas described in paragraph (2); and

"(C) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each State an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the population of such State bears to the population of all the States."

"(2) For the purpose of this subsection, the term 'special need rural area' means a State that—

"(A) has a population density of 40 or fewer persons per square mile; and

"(B) has experienced a rise in drug-related crime over the preceding 5 years.".

SEC. 4. ADDITIONAL DRUG ENFORCEMENT AGENTS FOR RURAL AREAS.

(a) ADDITIONAL AGENTS.—The Attorney General shall create 30 drug enforcement agent positions within the Drug Enforcement Agency in addition to those authorized prior to the date of enactment of this Act.

(b) ASSIGNMENT TO RURAL AREAS.—The 30 additional agents specified in subsection (a) shall be assigned to drug interdiction activities in special need rural areas, their number to be divided equally among the States that qualify as special need rural areas.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $4,500,000 for the fiscal year that next follows the date of enactment of this Act.

SEC. 5 HIGHWAY DRUG INTERDICTION PILOT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Director of the Bureau of Justice Assistance (referred to as the "Director") shall estab-

lish a 1-year highway drug interdiction program in which a grant of $500,000 shall be made to each of 5 special need rural areas.

(b) USE OF GRANT MONIES.—A special need rural area to which a grant is made pursuant to subsection (a) shall use the grant monies to—

(1) establish in the State police force responsible for Statewide highway patrol a drug liaison office whose function shall be the coordination of drug interdiction activities by—

(A) State and local police forces responsible for highway patrol; and

(B) other Federal, State, and local law enforcement agencies;

(2) develop a plan for the most efficient use of State and local police forces responsible for highway patrol in drug interdiction;

(3) provide financial support for the implementation of the plan referred to in paragraph (2); and

(4) evaluate and report to the Director on the effectiveness of the uses of the grant monies.

SEC. 6. DRUG INTERDICTION TRAINING FOR RURAL LAW ENFORCEMENT OFFICERS.

(a) IN GENERAL.—The Secretary of the Treasury, acting through the Federal Law Enforcement Training Center, shall develop a drug interdiction training program for law enforcement officers in rural areas.

(b) NATURE OF TRAINING.—The training program required by subsection (a) shall include instruction designed to—

(1) familiarize law enforcement officers with drug-related crime especially as it tends to occur in rural areas, including the production of methamphetamine and cultivation of marijuana; and

(2) inform law enforcement officers concerning the growth of organized crime, gangs, and other drug-related criminal activities.

SEC. 7. DEFINITIONS.

For the purposes of this Act—

(1) the term "drug" has the same meaning as the term "controlled substance" has in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6));

(2) the term "rural area" means a State that has a population density of 40 or fewer persons per square mile; and

(3) the term "special need rural area" means a rural area that has experienced a rise in drug-related crime over the preceding 5 years.

By Mr. PRYOR (for himself and Mr. STEVENS):

S. 1354. A bill to amend chapter 84 of title 5, United States Code, to correct certain employing agency errors relating to the thrift savings plan, remove certain restrictions on investments from the thrift savings fund, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL RETIREMENT THRIFT BOARD IMPROVEMENTS

● Mr. PRYOR. Mr. President, today I am introducing, with Senator TED STEVENS, a bill to allow Federal agencies to correct their errors relating to the Federal Retirement Thrift Investment Plan and to remove certain restriction on the way in which Federal Employees Retirement System [FERS] money can be invested in the Thrift Savings Plan [TSP]. The Thrift Investment Board and the Employee Thrift Advisory Council, which includes representative of organizations representing Federal and Postal employees, forwarded this legislation to the Congress for consideration.

The Thrift Investment Board has established a process by which an agency can correct any errors it makes in contributing to the Plan on behalf of its employees. However, in response to agencies' requests for an interpretation of the law, the Comptroller General issued a decision which stated that "there is no statutory basis for agencies to pay into employee TSP accounts earnings lost due to agency's delay in making contributions to those accounts." This means that an employee is denied the earnings on the account that would have resulted had the agency made the contribution as it should have been. This legislation simply gives the agencies the statutory authority to make-up any lost earnings due to agency errors.

The bill also removes the statutory restrictions on FERS participants' investments in the Common Stock Index Investment Fund [C Fund] and the Fixed Income Investment Fund [F Fund]. The Federal Employees' Retirement System Act of 1986 [FERSA] created a 10-year phase-in period for investments into the C and F Funds. Beginning in 1988, each year an additional 20 percent of new employee contributions can be invested in any of the thrift funds. For the first 5 years, employer contributions are restricted to the Government Securities Investment Fund [G Fund]. During the second 5 years of the 10-year period, restrictions on employer contributions are phased out in a similar way. By 1997, all contributions will be unrestricted.

The current restrictions require the Thrift Savings Plan to keep track of both the restricted and unrestricted contributions and earnings in each FERS participant's account. This increases the cost of processing information and increases the complexity of the recordkeeping system. The original intent of this restriction was to avoid sudden budget impacts. However, the Office of Management and Budget and the Congressional Budget Office treat the G Fund as off-budget and, therefore, there is not a need to protect against a budget impact. The basis for the restrictions are no longer compelling and the restrictions should be removed.

I am pleased to be joined in co-sponsoring this legislation with Senator STEVENS, the ranking minority member on the Federal Services Subcommittee, and I hope to move this legislation quickly.

Mr. President, I ask that the bill be printed after my statement in the RECORD.

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

S. 1354

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CORRECTION OF EMPLOYING AGENCY ERRORS RELATING TO THE THRIFT SAVINGS PLAN.

(a) IN GENERAL.—Chapter 84 of title 5, United States Code, is amended by inserting after section 8432 the following new section:

"§ 8432a. Correction of employing agency errors

"(a) The Executive Director shall prescribe regulations under which employing agencies shall pay to the Thrift Savings Fund amounts representing lost earnings by the Thrift Savings Fund because of errors (including errors of omission) by the employing agencies relating to the Thrift Savings Plan described under this subchapter. The regulations may require an employing agency to reimburse the Thrift Savings Fund for costs incurred by the Thrift Savings Fund in implementing corrections of employing agency errors.

"(b)(1) Regulations prescribed by the Executive Director under subsection (a) shall provide for procedures for determining—

"(A) whether an employing agency error has occurred;

"(B) which agencies are responsible for correcting the error; and

"(C) the manner in which the error shall be corrected.

"(2) The Executive Director may provide in such regulations for exceptions from the requirements of this section to the extent that correction of an error is not administratively feasible. Determinations of administrative feasibility shall include consideration of the costs of correcting the errors and the benefits to the participants and beneficiaries of the Thrift Savings Fund derived from correcting the errors.

"(c) In addition to such other requirements as the Executive Director determines are appropriate to carry out the provisions of this section, regulations prescribed under subsection (a) shall provide that if—

"(1) an employing agency error causes delay in or failure of contributions (including any employee or employer contributions) or other monies to be invested in the Thrift Savings Fund, and neither the Thrift Savings Fund nor the participant had the use of or access to such contributions or other monies during the period of the failure or delay, then the employing agency shall pay to the Thrift Savings Fund (in addition to any amounts it is otherwise required to pay to the Thrift Savings Fund) an amount representing lost earnings on such contributions or other monies;

"(2) an employing agency error causes the Thrift Savings Fund to invest monies in the wrong investment fund, then the employing agency shall pay to the Thrift Savings Fund an amount representing lost earnings;

"(3) an employing agency error causes delay in or failure of employee contributions or other monies (other than monies representing repayment of a loan made under section 8433(i)) to be invested in the Thrift Savings Fund, but the participant has had the use of or access to the contributions or other monies which should have been invested in the Thrift Savings Fund, then—

"(A) the participant may elect to contribute from current pay on a tax deferred

basis, in addition to an amount not to exceed the contributions or other monies which should have been invested in the Thrift Savings Fund, an amount representing lost earnings on such contributions or other monies;

"(B) if the participant elects to make contributions under subparagraph (A), the employing agency shall pay to the Thrift Savings Fund, in addition to any employer matching contributions which the employing agency is required to pay under section 8432(c)(2), an amount representing lost earnings on such matching contributions;

"(C) any amounts contributed by the participant pursuant to an election made under subparagraph (A) shall be exempt from the percentage of basic pay limitations on contributions to the Thrift Savings Fund under—

"(i) section 8351(b)(2) of this title;

"(ii) section 8432(a) of this title;

"(iii) section 8440a of this title as added by section 401 of the Federal Employees' Health Benefits Amendments Act of 1988 (Public Law 100-654); and

"(iv) section 8440a of this title as added by section 7 of the Retirement and Survivors' Annuities for Bankruptcy Judges and Magistrates Act of 1988 (Public Law 100-659); and

"(D) the participant may seek relief from the employing agency under subsection (g) of this section, if such participant—

"(i) is not receiving pay which enables such participant to contribute to the Thrift Savings Fund;

"(ii) ceases receiving such pay before all contributions elected under subparagraph (A) have been made; or

"(iii) is otherwise unable to obtain correction under this paragraph.

"(d) Amounts representing lost earnings under subsection (c) shall be computed in a manner established by the Executive Director.

"(e)(1) To be eligible to make an election under subsection (c)(3)(A) the participant shall provide notice to the employing agency of the error and that such participant is seeking correction—

"(A) within 1 year of the date on which the participant first knew or reasonably should have known of the employing agency error; or

"(B) with respect to errors occurring before the effective date of this subsection, on or before the date which is the later of—

"(i) 180 days after the effective date of this subsection; or

"(ii) 1 year after the participant first knew or reasonably should have known of the employing agency error.

"(2) Notwithstanding the provisions of paragraph (1), a participant may not make an election for contributions under subsection (c)(3)(A) more than 30 days after the date on which the participant is provided written notification of a determination that such participant may make such an election.

"(f) Any amounts required to be paid by an employing agency under this section shall be paid from the appropriation or fund available to the employing agency for payment of salaries of the participant's office or establishment. If a participant in the legislative branch is paid by the Clerk of the House of Representatives, the Clerk may pay from the contingent fund of the House of Representatives the amount required to be paid to correct errors relating to the Thrift Savings Fund that otherwise would be paid from the appropriation or fund used to pay the participant.

"(g) If an employing agency error affecting the Thrift Savings Plan is not corrected under this section or if an agency fails to take action required by this section, the participant or beneficiary may bring a civil action to recover Thrift Savings Plan benefits under section 8477(e)(3)(C)(i) against the employing agency, naming the head of the agency as defendant. A participant or beneficiary shall, prior to instituting any action under this subsection, exhaust any administrative claims procedures established in accordance with the Executive Director's regulations under this section.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 84 of title 5, United States Code, is amended by inserting after the item relating to section 8432 the following:

"8432a. Correction of employing agency errors.".

SEC. 2. REMOVAL OF RESTRICTIONS ON INVESTMENTS FROM THE THRIFT SAVINGS FUND.

Section 8438 of title 5, United States Code, is amended—

(1) in subsection (c) in paragraph (1) by striking out "Subject to subsection (e), the" and inserting in lieu thereof "The";

(2) in subsection (d) in paragraph (1) by striking out "and not subject to subsection (e)";

(3) by striking out subsection (e) and redesignating subsections (f), (g), (h), and (i) as subsections (e), (f), (g), and (h), respectively;

(4) in subsection (g) (as redesignated by paragraph (3) of this section)—

(A) in paragraph (1) by striking out "subsection (f) of this section" and inserting in lieu thereof "subsection (e) of this section";

(B) in paragraph (2) by striking out "subsection (f)" and inserting in lieu thereof "subsection (e)";

(C) in paragraph (3) by striking out "subsection (f)(2) of this section" and inserting in lieu thereof "subsection (e)(2) of this section"; and

(D) in paragraph (6) by striking out "subsection (i) of this section" and inserting in lieu thereof "subsection (h) of this section"; and

(5) in subsection (h) (as redesignated by paragraph (3) of this section)—

(A) in paragraph (1) by striking out "subsection (h) of this section" and inserting in lieu thereof "subsection (g) of this section"; and

(B) in paragraph (2) by striking out "subsection (f) of this section" and inserting in lieu thereof "subsection (e) of this section".

SEC. 3. EFFECTIVE DATES.

(a) CORRECTION OF EMPLOYING AGENCY ERRORS.—The amendments made under section 1 of this Act—

(1) shall be effective—

(A) on the first day of the second election period, described under section 8432(b) of title 5, United States Code, following the date of the enactment of this Act; or

(B) upon such earlier date that the Executive Director may prescribe in regulations; and

(2) shall apply to the correction of errors affecting the Thrift Savings Fund since the date of its establishment, except to the extent an exception to the requirements of section 8432a of title 5, United States Code, (as added by section 1 of this Act) is made in accordance with the regulations prescribed thereunder.

(b) REMOVAL OF RESTRICTIONS ON INVESTMENTS.—The amendments made under section 2 of this Act shall be effective—

(1) on the first day of the second election period, described under section 8432(b) of title 5, United States Code, following the date of the enactment of this Act; or

(2) upon such earlier date as the Executive Director may prescribe in regulations.●

By Mr. BUMPERS (for himself and Mr. JEFFORDS):

S. 1355. A bill to assist private industry in establishing a uniform residential energy efficiency rating system, and for other purposes; to the Committee on Energy and Natural Resources.

RESIDENTIAL ENERGY EFFICIENCY RATINGS ACT

● Mr. BUMPERS. Mr. President, I am introducing legislation today with my cosponsor, the Senator from Vermont [Mr. JEFFORDS], to encourage the national adoption of a uniform, voluntary, energy efficiency ratings system for existing homes. A national home energy efficiency ratings system will have energy conservation benefits, expand the pool of affordable housing and have a positive impact on the greenhouse effect.

My concept for a national program is based on the successful pilot efforts of energy efficiency ratings systems in Arkansas, Vermont, Alaska, Mississippi and Washington. The pilot programs are operated by nonprofit entities and were developed through the voluntary cooperation of leaders, mortgage insurers, real estate professionals, and builders. By integrating energy audits into the housing loan process the program provides important benefits for potential home buyers and as well as providing incentives for sellers and purchasers to make homes more energy efficient.

First, the programs utilize a standard energy rating system which looks at a number of features in the home: insulation; caulking and weatherstripping; solar energy use or potential; and the hot-water, heating and cooling systems. Each of these is rated for efficiency on a 1-to-100 point scale; then the house is given an overall energy efficiency rating on a 1-to-5 star scale, with 5 stars meaning high efficiency. The simple star rating provides a easy way for buyers to compare the energy efficiency of similar homes.

Second, the analysis supplies an estimate of the annual energy cost of a house. The difference between that cost and comparable average energy costs for the area translates the home's energy efficiency into dollars saved per month. That figure can be used to justify expanded debt-to-income and debt-to-payment ratios for energy-efficient homes, under the rationale that purchasers will have increased residual income from their energy cost savings that can be applied to the loan. For example, to qualify

for a fixed-rate, 30-year $108,000 mortgage at 12 percent, with a loan-to-value ratio of 90 percent, a would-be buyer of a house with a two-star rating would have to have a monthly gross income of $4,949. If the house's rating were five stars, that would-be buyer would qualify for the loan with a monthly gross income of $4,650.

Finally, the analysis provides a list of energy efficiency improvements which can be made to the home to improve its rating. The costs of these improvements can be incorporated into the buyer's mortgage and make the home buyer eligible for the expanded qualifying ratios.

My bill does not address the concept of the energy efficient mortgage which is often used in conjunction with energy ratings systems. At the present time there are several programs available from mortgage lenders which permit home buyers to incorporate the cost of certain energy efficiency home improvements in their mortgage. However, these programs are complicated and underutilized. The Department of Energy recently supported a study to identify the barriers that have limited the use of existing energy efficient mortgage programs and to develop guidelines for a Uniform Energy Efficient Mortgage Program. I will be following the DOE process closely and will consider introducing legislation on energy efficient mortgages in the future if necessary.

The national energy efficiency ratings system established by my bill will be an important impetus for improving the energy efficiency of our housing stock. The key to the success of the pilot programs in Arkansas and other States has been the voluntary involvement of the leading and housing industry groups who must implement the the programs in their development. My bill would retain this emphasis on voluntary industry involvement while providing Federal support for the establishment of similar programs in all 50 States.

The legislation would direct the Secretary of Energy to select a qualified residential energy ratings organization to develop a ratings system in consultation with participants in the residential shelter industry, energy conservation officials and others, to set standards for State energy rating organizations, to provide training and technical assistance and to maintain a national residential energy efficiency data bank. Federal funds would be authorized to support these efforts for 4 years, after which time the organization is intended to be self-sufficient.

I urge my colleagues to support this legislation. Energy efficient homes are more affordable for home buyers, will enhance our energy security and will be beneficial to the environment. I ask unanimous consent that the text of the bill and an article entitled "M.P.G. for Houses: the Uphill Battle of Energy Rated Homes," which appeared in the Spectrum newspaper in Little Rock, 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:

S. 1355

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 "Residential Energy Efficiency Ratings Act".

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "cost-effective residential energy efficiency improvements" means residential energy efficiency improvements that will result in a reduction in the monthly cost of supplying energy to a residence in an amount greater than the increased amount of principal and interest that would be required to be paid monthly if the amount of a residential mortgage loan were increased to cover the cost of installation;

(2) the term "residential energy efficiency rating contractor" means the qualified residential energy efficiency rating organization with which the Secretary of Energy enters into a contract pursuant to section 3;

(3) the term "residential energy efficiency improvements" means the design, manufacture, and installation of features in a residence, including structural changes, insulation, weatherproofing, heating, ventilating, and air conditioning systems, and water heaters and other major appliances, that have the potential of contributing to the efficient use of energy in or a reduction in energy loss from a residence;

(4) the term "residential building industry" means persons engaged in the design, construction, marketing, and financing (including secondary financing) of residences and residential energy efficiency improvements, including building contractors, architects, appliance manufacturers and dealers, realtors, appraisers, inspectors, lenders, participants in the secondary mortgage market, mortgage insurers, and other private and Government entities that engage in those activities or regulate, promote, or otherwise participate in those activities;

(5) the term "qualified residential energy efficiency rating organization" means a corporation or other legal entity that—

(A) has had experience in the development and administration of programs for the inspection of residences for the purposes of—

(i) assessing the efficiency with which they use energy, as compared with other residences in the same locality;

(ii) determining the monthly cost of supplying a residence's energy needs;

(iii) making recommendations for cost-effective residential energy efficiency improvements; and

(iv) reporting the results of such inspection to residence purchasers, residence owners, and their lenders;

(B) is an organization whose shareholders or members include a broad representation of the residential building industry;

(C) is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 exempt from taxation under section 501(a) of the Code; and

(D) is an organization capable of administering the uniform residential energy efficiency rating system described in section 3 on a self-sustaining basis after the expiration of the contract entered into pursuant to section 3(a);

(6) the term "rating system" means the uniform residential energy efficiency rating system developed by the residential energy efficiency rating contractor pursuant to section 3(a); and

(7) the term "residence" means a new or existing single-family residence (including manufactured housing), multiple family residence, or residential unit (such as a condominium or cooperative unit) in a multiple-family residence or multiple-purpose building that contains a residential unit.

SEC. 3. CONTRACT WITH RESIDENTIAL ENERGY EFFICIENCY RATING CONTRACTOR.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Energy shall enter into a contract with a qualified residential energy efficiency rating organization to develop a uniform residential energy efficiency rating system (as described in subsection (b)) within 2 years after the date of enactment of this Act and to administer the system (as described in subsection (c)) for a period of 4 years following the date of contract.

(b) RATING METHODOLOGY.—(1) The rating system shall include a methodology which—

(A) provides a means of assessing the energy efficiency of, assigning a comparative energy efficiency rating to, and estimating the monthly cost of supplying energy to, a residence;

(B) includes an inspection and assessment of the basic structure of a residence (commonly known as the "building envelope"), including insulation, weatherproofing of doors and windows, orientation of windows, and air infiltration and circulation, and of the heating, ventilating, air conditioning, and water heating systems of a residence;

(C) is based on a scale that—

(i) accurately reflects the energy costs associated with each aspect of the structure and item of equipment to be inspected; and

(ii) is normalized for comparative purposes in a statistically acceptable manner; and

(D) is adapted for both manual and computer-aided application.

(2) The rating system shall prescribe, in order of energy efficiency and cost effectiveness, residential energy efficiency improvements that may be recommended to improve the energy efficiency of a residence.

(3) The rating system shall be subject to statistical verification for accuracy.

(4) The rating system shall be designed to be acceptable to financing institutions, including participants in the secondary mortgage market. In developing the rating system, the residential energy efficiency rating contractor shall consult with participants in the residential shelter industry, including—

(A) the National Association of Residential Builders;

(B) the Mortgage Bankers of America;

(C) the Mortgage Insurance Companies of America;

(D) the National Association of Realtors;

(E) the Society of Real Estate Appraisers;

(F) the Institute of Real Estate Appraisers;

(G) the Federal National Mortgage Association;

(H) the National Association of Utility Regulatory Commissioners;

(I) the National Association of State Energy Officials;

(J) the Federal Housing Commissioner;

(K) the Farmers Home Administration;

(L) the Department of Veterans' Affairs;

(M) the Assistant Secretary for Conservation and Renewable Energy of the Department of Energy; and

(N) the Association of State Housing Finance Agencies,

and invite public comments through notices published in the Federal Register by the Secretary of Energy.

(5) The Secretary of Energy shall make the services of the Lawrence Berkeley Laboratory available to assist the residential energy efficiency rating contractor in developing the rating system by providing data, technical evaluations and other analytical support.

(c) ADMINISTRATION OF RATING SYSTEM.—(1) The residential energy efficiency rating contractor shall—

(A) develop a course of instruction for training residential inspectors, realtors, appraisers and loan officers in the use of the residential energy efficiency rating methodology;

(B) in cooperation with State and local energy offices and members of the residential building industry, set standards for the licensing of State and locally authorized residential energy efficiency rating organizations, whose function will be the training of and the maintenance of a high level of proficiency among residential inspectors in the use of the residential energy efficiency rating methodology developed pursuant to this section;

(C) provide assistance to State and local energy offices and members of the residential building industry in the establishment of residential energy efficiency organizations;

(D) draft proposed amendments of and additions to regulations, forms, and procedures to be recommended for adoption by Federal, State, and local administrative agencies in the interest of the uniform implementation of the provisions of this Act;

(E) maintain a national residential energy efficiency data bank containing the results of all residential energy efficiency rating inspections using the methodology developed pursuant to this section, for the purpose of compiling information on energy costs associated with the Nation's housing stock; and

(F) provide periodic consultation to State and local residential energy efficiency rating organizations and residential inspectors on technical matters relating to the methodology developed pursuant to this section and on other matters relating to the proper management and operation of the residential energy efficiency rating system.

(2) In order to provide non-Federal funds for the continued administration by the contractor of a uniform residential energy efficiency rating system, the contractor may assess fees for its services, at levels designed to reflect the cost of the service and approved by the Secretary of Energy.

(d) AUTHORITY TO EXTEND CONTRACT.—The Secretary may extend the contract entered into pursuant to subsection (a) for 2 years upon finding that continued Federal support is necessary to carry out the purposes of the Act.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for carrying out the provisions of this Act $8,000,000 for each of fiscal years 1990 and 1991, $4,000,000 for fiscal year 1992, and $2,000,000 for fiscal year 1993, to remain available until expended.

[From the Spectrum, July 6-19, 1988]

M.P.G. FOR HOUSES: THE UPHILL BATTLE OF ENERGY RATED HOMES

(By Jim Nichols)

Ron Hughes knows how frustrating it can be to advocate energy conservation. Not too many people appear concerned about energy issues these days, and the perceived threat of dwindling energy resources has largely dissipated into apathy.

"It makes it difficult to get the message across," said Hughes, the youthful-looking executive director of Energy Rated Homes of America, a non-profit organization headquartered in Little Rock's downtown Technology Center.

The message Hughes and his colleagues at Energy Rated Homes are working to convey, to American home buyers, builders, financiers, and governments, is that making houses more energy-efficient will boost a sagging housing market and allow more people to own homes.

The means to that end, Hughes believes, is a standardized method Energy Rated Homes is developing to quantitatively rate the energy efficiency of houses all over the country. Today, a buyer often doesn't discover the energy costs of a newly purchased home until the deal is closed and he or she has moved in. Unlike automobiles, there's no sticker on the window clearly estimating miles per gallon—or, in the case of a house, monthly utility costs. High utility bills can push the cost of what seemed to be an affordable home right out of reach. In other cases, the monthly outlays for a house with a higher price tag may actually be lower than a comparable cheaper house if efficient energy use produces utility bills small enough to offset a higher mortgage payment.

Hughes and other advocates claim if ERH's program is implemented nationwide, it could revolutionize home financing and construction. The potential benefits are many:

For the first time, a buyer would be able to tell immediately which of two homes under consideration would be more efficient, and thus cheaper to operate.

Lenders and real estate agents would know how energy costs will factor into a borrower's monthly expenses, and thus be able to arrange larger monthly mortgage payments for homes with lower monthly energy costs.

Builders would be rewarded for building more efficient homes, since those homes would presumably be easier to sell than inefficient homes of comparable price and location.

Buyers of older, inefficient homes would be able to include, as part of their mortgage, the costs of upgrading by installing insulation, storm windows, efficient appliances and other energy-saving features.

"What this means is that for some people, they can afford a more expensive home," Hughes says. "For other people, especially first-time buyers or those with a low downpayment, it means they can afford a home, period."

"This is an incredibly ambitious thing we're trying to do, with enormous social impact. Just look at what miles-per-gallon ratings did for cars."

The concept of energy ratings has been heralded by Governor Bill Clinton, whom Hughes credits for being a major backer in the group's quest for state research and development funding. Chances are fair to good, in fact, that Congress may emphasize home ratings and other energy issues in an upcoming overhaul of federal housing policy. Senators from key committees, representing both parties, recently joined a Washington, D.C. think tank focusing on energy conservation in calling for just such consideration when housing policies are debated in this session of Congress. Among the options under consideration is a federal mandate that would require each state to develop a home energy-rating system that would either be patterned on a national model, or at least be consistent and compatible with that of the other states.

Hughes is hoping Energy Rated Homes' method will become the standard. To date, the system is under development or has been implemented in only five states: Arkansas, Washington, Vermont, Alaska and Mississippi. Although difficult to develop, the home rating process itself is fairly simple, and can be completed in an hour. The rating begins with an impartial, trained party such as a real-estate appraiser examining the home, using a rating sheet and awarding points according to a standard scale for energy-saving features. Various appliances, including heaters, air conditioners and water heaters are scored for efficiency. So too is the house's inherent ability to keep heat out during the summer and in during the winter, known as its envelope efficiency. Extra points are added for living space heated by sunlight, as well as for added features such as insulated windows, zoned thermostat controls, weather stripping, and other items.

The rater then adds up the totals, with weighted values assigned to each category. Using a simple formula that involves nothing beyond junior-high math, the rater calculates the house's energy efficiency rating on a scale of one to 100, based on how the home's present level of efficiency stacks up to its ultimate or ideal effiency. The rating number is actually a percentage of a given house's ultimate—like a test score that judges a student only on the number of questions correctly answered instead comparing her scores to the rest of the class. By doing so, the rating takes into account differences in size, shape and age from house to house. Thus, a house with a 100 rating is saving 100 percent of the energy it could possibly save; a zero rating means it has no energy-saving features.

In addition to computing an annual energy cost estimate, an ERH audit awards a home up to five "stars" to make quick comparisons simple and to provide easy graphic illustration. A poor rating results in one star, three stars is good and five stars means a home is very efficient. The measurement is of potential energy savings, not total energy use; clearly, due to climatic differences, a four-star bungalow in Alaska is likely to use more energy than a four-star bungalow in Arkansas.

But the significance of home energy ratings extends well beyond making it easier for consumers to compare prospective home buys. For mortgage lenders, an objective standard of energy-use comparison permits prediction of utility costs, and, more importantly, how they affect a borrower's ability to buy a home.

When making a home loan, a lender usually figures that a maximum of 25 to 28 percent of a buyer's monthly income should go toward paying the mortgage principle and interest, plus taxes and insurance—a combination known in the industry as PITI. If a particular home is highly energy-efficient, however, the lender can assume a borrower's utility bills will be lower, and thus a

greater income percentage can go toward such mortgage expenses. The income-to-expense ratio can be stretched—even to as much as 36 percent.

Consequently, the total loan value can be greater and a buyer can purchase a more expensive home—or simply purchase a home, which might otherwise be out of the question. According to ERH literature, a savings of $40 per month on utility bills is equal to lowering a 12-percent interest rate on a 30-year, $50,000 mortgage by a full point.

"That would especially come into play when we're looking at borderline cases, and a lot of people fall into the borderline category," said Dennis Mills, treasurer at Simmons Mortgage Company and an ERH director.

The effect would not be a slight one either, according to a 1986 study by the Howard University and Massachusetts Institute of Technololgy Joint Center for Housing Studies. That study found that if the Energy Rated Homes system was implemented nationwide, the result would be an increase in first-time home buying of between 11 and 22 percent.

Simmons Mortgage and other financial institutions are looking hard at ERH, Mills says, and liking what they see. So too is the "secondary market"—individuals and institutions who purchase mortgages from the lending institutions that made them as investments. Prominent among secondary-market buyers are the Federal Home Loan Mortgage Corporation and the Federal National Mortgage Association—popularly known as Freddie Mac and Fannie Mae, respectively. Those two self-supporting, quasi-governmental agencies buy mortgages from banks and use them as collateral for securities sold to banks and institutional investors. Such investors generally urge lenders to adhere to fairly strict mortgage guidelines, seeking to minimize borrower loan default and thus maximize the collective return on the securities they resell. Among those restrictions is general adherence to the 25-percent income ratio for borrowers.

However, Fannie Mae and Freddie Mac have realized the importance of energy costs in home affordability, particularly since utility and energy costs are one of the eight major causes of mortgage default. According to letters to ERH, those agencies have recognized that a favorable ERH rating is good cause to stretch that 25-percent income-to-expenses ratio. Freddie Mac and Fannie Mae have each deemed an ERH evaluation acceptable underwriting documentation in lieu of their own forms. "Your improved ratings system may well become the nationally recognized standard for this important facet of the mortgage underwriting process," wrote Freddie Mac vice president William R. Thomas Jr. "Your rating system is a good one and we encourage lenders to look closely at the Energy Rated Homes of America program as a vehicle for meeting the needs of energy evaluation in housing."

If the system becomes widely accepted some day, it will also benefit builders, Hughes says. "Energy-efficient homes ought to be worth more—and they are, as long as the public can see why.

"A builder will be able to say, 'Hey, my house is more energy efficient than the one down the street, and here's why'."

And as more and more homes are rated and additional data from them is collected and sorted, appraisers will be able to ascertain just how much additional value the market places on the energy efficiency of a home, and adjust the overall home value accordingly.

Even the group that has been least hospitable to the idea—real estate agents—could profit from it, Hughes says. The ratings could be used as selling tools for efficient homes. Further, lenders are now exploring an idea already endorsed by Fannie Mae and Freddie Mac that would help older, inefficient homes to sell. According to that plan, home buyers would be able to use the rating to identify energy inefficiencies, and then borrow more money as part of the mortgage to upgrade. Now, such improvements are rarely "rolled into" the mortgage. Agents might also like the possibility of more first-time buyers, or owners of existing homes who hope to move up to a bigger house, as lenders use the stretched income-expense ratios to make more mortgages available.

For the above reasons, the ultimate beneficiary would be the consumer, Hughes contends. Not only would homes be more affordable and accessible, but home owners and prospective home owners would be able to make better-informed decisions when selling or buying. Additionally, ratings and the attendant inspections point home owners who want to keep their homes toward ways to cut their utility bills.

Yet, for the most part, no one in the shelter industry—particularly real estate agents—has been willing to step up and tell the public that the industry's current structure is inadequate, Hughes said.

"Nobody advocates for the consumer," he added. "Right now there's a disincentive to even talk about energy efficiency."

A decade ago, when the former history major first became obsessed with energy conservation, the nation was still reeling from the Organization of Petroleum Exporting States' 1973 oil embargo, and doomsayers were predicting that nonrenewable energy sources would have disappeared by the century's end. In that atmosphere, it wasn't hard to get attention. A worldwide dedication to energy conservation took hold.

Today, the energy-conservation issue has entered the mainstream, but many of the zealous prophets who spurred the movement are seen as alarmists. Hughes seems to know this, and know that he'll have to work from within the system to get his program implemented nationwide. When he talks about Energy Rated Homes, it is with the measured conviction of a realist.

Hughes is a businessman, and, as such, knows he'll open more doors in the industry by emphasizing the program's benefits to the shelter industry than he would by seeking more government regulation. Thus, Energy Rated Homes is a not-for-profit corporation: It seeks neither to impose its programs with government restrictions, nor to make short-term profits off businessmen or gullible home owners. Hughes' commonsense approach found allies shortly after he learned about the Energy Rated Homes project in Seattle six years ago, eventually taking its reins when its headquarters moved here. Among those allies was Clinton, who Hughes credited with building perhaps the nation's most progressive state energy department.

"I've been committed to it from the start," Clinton said of Energy Rated Homes. Clinton approved state startup money and this cooperation helped build the coalition of representatives from the building industry, utilities, financial institutions, appraisers and real estate agents that worked with ERH to develop the program.

Once the ratings system was workable, ERH began its effort to export it to other states. Approaching other energy offices, Hughes met with skepticism. But the program's success in Washington, Alaska and Arkansas piqued interest among government and industry leaders in Vermont and Mississippi, and both adopted the program.

"It's taken off and done pretty well for the small state that Vermont is," says Richard Faesi, ERH director there. "A lot of builders and realtors are interested in the program. A number of developers are interested in rating whole developments."

The Vermont program has taken hold in the initial four-county trial area, and will go statewide in August, Faesi said. Appraisers who were initially skeptical of the program are now lining up to be trained to do energy ratings.

In Mississippi, Energy Rated Homes is in its infancy, but Hughes said representatives there found the reception warm among the government and industry representatives forming the startup committee.

If the program is to go nationwide, it must be voluntary, Hughes insists. State support, including financial backing, is important, but more rules and regulations would alienate the shelter industry. "If the states try to run programs like this, they wouldn't get the cooperation of the shelter industry—they don't want regulation," Hughes explains. "So the way to get around that is to get it going and turn it over to a nonprofit when it's self-sustaining."

The program's strength is that it is adaptable enough that each state can modify it to the state's own climactic and economic peculiarities, yet still have a program compatible with other states, Hughes said. That might allow ERH to become the national standard if Congress directs every state government to assist in implementing some form of uniform home rating system to be operated by a non-profit group, as Clinton, Hughes and other advocates hope.

The Alliance to Save Energy, a Washington think tank, was joined by two senators—Republican John Heinz of Pennsylvania and Democrat Tim Wirth of Colorado, the alliance chairman—at a June 21 news conference calling for stringent energy policies in the new federal housing policy, expected to be formulated in the next Congressional session. Bill Prindle, a spokesman for the Alliance, said Senator Alan Cranston, the California Democrat, will "get the ball rolling" as chairman of the Senate Banking and Urban Affairs Committee's Housing Subcommittee. Heinz, co-chairman of the subcommittee, and Wirth of the full committee will join Cranston.

"It's sort of a bandwagon effect," Prindle says of ERH, which the Alliance applauds. "Once it gets going, everyone wants to get aboard. The question is getting the critical momentum going."

Clinton, whom some speculate might have a prominent administrative post should Michael Dukakis win the presidency, says he would like to see legislation favorable to Energy Rated Homes instituted on a national scale.

"I don't know if we'd want to mandate it or not, but there should be some kind of incentive" in the housing legislation. "I'm pretty strong for not having another national housing policy that doesn't take into account energy issues."●

By Mr. COATS:

S. 1356. A bill to amend chapter 30 of title 39, United States Code, to des-

ignate certain solicitations in the mails as nonmailable matter, and for other purposes; to the Committee on Governmental Affairs.

DECEPTIVE MAILINGS PREVENTION ACT

● Mr. COATS. Mr. President, today I am introducing the Deceptive Mailings Prevention Act of 1989. This legislation is designed to address the problem of misleading and deceptive mail solicitation practices affecting the elderly.

Increasingly many organizations and companies are using the mails to solicit contributions and sell products and services. There is widespread congressional concern about those nongovernmental entities which utilize in their mailings official insignia, trade names, or other symbols or terms with governmental connotations or ties in order to misrepresent themselves as having Federal approval, support, or connections. Because these mailings appear to be directed primarily at the elderly and involve organizations offering products or services to or of interest to older Americans, many legitimate groups representing the elderly, such as the AARP, have expressed strong concern about the need to stop such deceptive mailings practices.

This bill would end such practices by doing three things: First, require specific disclaimers to be placed on mailing solicitating funds which are falsely presented as bills, invoices, or statements of accounts due; second, provide for disclaimers on mailings and envelopes with a seal, insignia, trade or brand name, or any term or symbol which could be construed as implying a Federal connection, approval, or endorsement; and third, require the U.S. Postal Service to study the problem of postal personnel declaring certain items nonmailable and detaining mail without authorization.

The vast majority of companies and private entities which use the mails to reach potential customers and members of the public are responsible organizations which offer and sell legitimate products and services. Unfortunately, a few companies, through misuse of mailing techniques, give the false impression that they represent the Federal Government or are offering services sanctioned by the Federal Government. Many solicitations and offers come in envelopes which could be reasonably interpreted to be an official mailing from a Federal agency, and most use titles which imply association with the Federal Government. As a consequence, customers are induced into paying for products or services which they do not need or which the Government could otherwise provide without charge.

One organization uses the Statue of Liberty as a logo and, in a brown, official-looking envelope, offers to provide a Social Security card for all children under the age of 5 for a cost varying from $12. to $20. for the first child, with a supplemental charge for each additional child. Their enclosed material states: "Do not pull this off. Federal law requires that you must have this completed before your (1987) taxes are filed."

Another organization encloses sweepstakes tickets designed to look like Social Security cards. The recipient is informed that for a fee of $7, you not only have the chance of winning $50,000, but you can get a gold embossed Social Security card, an earnings statement, a guide to retirement, and representation in Washington to protect your Social Security benefits.

Other organizations mail solicitations to Medicare recipients. On the outside, the envelopes indicate the mailing pertains to "supplemental Medicare benefits." Inside the reader is informed that Medicare benefits have been drastically reduced by Congress. The point of this mailing is to sell Medigap insurance policies. The advertisement uses scare tactics to cause some recipients to submit their names. As a result, they find themselves paying for an expenditure they do not fully understand.

Most of these deceptive mailings target our Nation's elderly, focusing on Medicare or Social Security benefits, the most important issues to senior citizens. Health care and economic security for the seniors are very complex matters for most people. It is the combination of the complexity of these issues and their importance to the public, particularly the elderly, that has made the subject of increasing abuse of mass mailing practices.

Clearly, senior citizens should be afforded protection for false advertising through the mails and from fraudulent, deceptive, or misleading mailing practices which seek needless contributions from persons who must rely on fixed incomes and limited resources.

Legislation to correct this problem, H.R. 2331, was introduced in the House of Representatives by my Indiana colleague, Congressman FRANK MCCLOSKEY, who is a member of the House Committee on Post Office and Civil Service. That bill was later amended and reported to the House Post Office and Civil Service Committee. This bill is identical to the amended version and is similar to legislation which passed the House last year but which the Senate failed to act on.

The Deceptive Mailings Prevention Act of 1989 would require the use of a disclaimer on the envelope and the inside matter which constitutes a solicitation by a nongovernmental entity for the purchase of products or services and contains a seal, insignia, trade or brand name, or any other term or symbol which reasonably could be interpreted as implying any Federal Government connection or endorsement.

The bill also includes a provision expanding current law to declare false billing statements for the solicitation of donations as a nonmailable unless such matter bears on its face a disclaimer stating: "This is a solicitation of donations, and not a bill or invoice or statement of accounts due." Under title 39, United States Code, false billing statements for goods and services are nonmailable unless there is a disclaimer.

Under section 3 of the bill the Postal Service is requested to conduct a study on whether or not section 123.3 of the Domestic Mail Manual [DMM] is being appropriately observed; take actions to correct the misapplication of this provision; and report to the appropriate committees of the House and Senate on its findings and the measures taken to correct the problem. Section 123.33 of the DMM states that postmasters are not permitted to deny entry to or exclude from the mail any written, printed, or graphic matter even if they believe it is nonmailable under postal laws and regulations. Many nonprofit mailers have encountered problems with local postmasters making these kinds of determinations and telling the mailers that they cannot mail the item in question. Because the postal officials have thus far been unable to take corrective measures to rectify the problem, this legislation would require the Postal Service, which is the only authority which can declare items nonmailable, to take appropriate steps to make their postmasters comply with their own regulations.

The legislation which I am proposing will deter those few organizations which resort to deceptive mailings and attempt to portray themselves as being Government-affiliated or endorsed, when, in fact, they are not. This bill will address these deceptive mailing practices without infringing on the rights of honest persons and legitimate organizations to communicate their ideas and to have easy access to mass mailing practices to communicate with postal patrons nationwide. Most importantly, without trampling on first-amendment guarantees or freedom of speech, the Deceptive Mailings Prevention Act will strengthen the rights of the consumer, especially the elderly, against the real threat from false and misleading advertising circulated by disreputable persons and entities through the mails. To the extent that we can protect the public from such fraudulent mailing practices, we assure that those who provide a real service through honest advertising of legitimate, needed products and services are also protected.●

By Mr. BOND:

S. 1357. A bill to amend the Agricultural Act of 1949 to allow producers to provide the appropriate county committees with actual yields for the 1989 and subsequent crop years, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CERTAIN DATA TO COUNTY AGRICULTURAL COMMITTEES

● Mr. BOND. Mr. President, today I am introducing legislation designed to address an important component of the next farm bill; the method by which farm program payment yields are calculated. While this might seem trivial to some, this methodology affects thousands of farmers and could potentially involve millions of dollars. It is very important that we analyze the impacts of these formulas closely; while we should strive for maximum efficiency, we must also be cognizant of budgetary realities.

While the income of farmers outside of Government farm programs is derived by multiplying price times yield times acreage, program participants must use a more complex formula. These producers are paid according to their crop-specific base acreage and program payment yield. In recent months, both of these components have been criticized for being too inflexible and there has been much discussion of potential alternatives.

Although it is not feasible to expect major modifications in crop acreage bases prior to the farm bill, we do have an opportunity to generate additional information with regard to program payment yields. Under current law, these yields are simply the average for a farm for the 1981 through 1985 crop years, excluding the high and low years. However, many farmers feel this approach is too rigid and fails to recognize gains achieved since the 1985 crop year. In other words, efficiencies made in the past 3 years are not currently reflected in program payment yield calculations. In addition, this can be a real hardship for those farmers who purchase land without a historical yield.

The legislation I am introducing today is a logical first step in determining if the current system should be maintained, or if it would be feasible to utilize a yield calculation based on proven or actual yields. Specifically, this legislation requires the Secretary of Agriculture to allow producers of wheat, feed grains, upland cotton, rice and soybeans, to report actual yield information on the 1989 and 1990 crops to local agriculture stabilization and conservation service offices. While this is currently allowed in some areas of the country, this legislation paved the way for uniform data collection. To encourage producers to provide this information, the Secretary is required to provide appropriate modification. The local ASCS offices will be required to save this data for a period of 5 crop years.

The Secretary is also required to report to Congress, by January 30, 1990, on the budget implications associated with a change to actual crop yields. In addition, the Secretary shall determine the costs of a couple of other yield determinations, based on the 1989 crop year. Beyond cost, the report will analyze the potential impacts which these calculations will have on both commodity programs and participants.

Mr. President, by authorizing ASCS to accept yield data, we are simply making a proactive move. If Congress decides to switch to actual yields, a solid data base will have been started. If we learn that the use of actual yields is cost-prohibitive, we have not lost a thing. As is rarely the case in Government, this is a win-win proposition. Furthermore, it is my understanding that the Congressional Budget Office estimates there would be no significant cost to implement the provisions of this legislation.

Mr. President, our neighboring colleagues are very familiar with this legislation. Last month, the House Agriculture Committee held a hearing on the bill and passed it shortly thereafter. Subsequently, on July 13, under a suspension of the rules, the House passed the bill by a voice vote.

Mr. President, it is my hope that this issue will come before the full Senate in the near future. I believe this legislation provides the mechanism necessary to address the complexities of yield calculations.●

By Mr. RIEGLE (for himself, Mr. DOLE, Mr. PRYOR, Mr. HARKIN, Mr. MOYNIHAN, Mr. DURENBERGER, Mr. MATSUNAGA, Mr. ROCKEFELLER, Mr. CHAFEE, Mr. HEINZ, Mr. CRANSTON, Mr. DECONCINI, Mr. LEVIN, Mr. LUGAR, Mr. SASSER, Mr. INOUYE, Mr. METZENBAUM, Mr. SIMON, Mr. DODD, Mr. JEFFORDS, Mr. ADAMS, Mr. EXON, Mr. PRESSLER, Mr. LIEBERMAN, Mr. FORD, Mr. BURDICK, Mr. MCCONNELL, and Mr. WIRTH):

S. 1358. A bill to amend the Social Security Act to take into account monthly earnings in determining the amount of disability benefits payable to a recipient of disabled adult child's benefits and certain other beneficiaries and to provide for continued entitlement to disability and Medicare benefits for such individuals, and for other purposes; to the Committee on Finance.

SOCIAL SECURITY WORK INCENTIVES ACT

● Mr. RIEGLE. Mr. President, today I am introducing for myself, the distinguished minority leader, Mr. DOLE, and 26 other Senators a bill to provide incentives for beneficiaries of Social Security Disability Insurance [SSDI] to work despite their impairments. Some of the individuals on SSDI can work, but they need access to health insurance and sufficient cash support to maintain themselves in an employed status. This legislation potentially could help over 112,000 disabled people in my home State of Michigan and 4 million SSDI beneficiaries nationwide.

Current law encourages retirement from the work force by removing SSDI cash benefits and Medicare coverage from people who work and earn over the substantial gainful activity [SGA] level of $300 per month.

The concept underlying current law is that people fit neatly into two categories, those who cannot work at all, and those who can fully support themselves. This is no longer valid, if it ever was. My bill would change SSDI policy to reflect this reality.

S. 1358 extends the section 1619 work incentives provisions of the Supplemental Security Income [SSI] Program to the SSDI Program. Experience with the section 1619 program has shown, that for most disabled people, continued access to Medicaid health insurance coverage is the most important factor in successfully returning to work. People must have confidence that a work attempt will not disqualify them from benefits in the future, should that work attempt fail. S. 1358, parallels section 1619 to provide such an assurance to SSDI beneficiaries. The success of this program is reflected in the fact that, between 1981 and 1986, 55,000 people took advantage of the 1619 work incentive program. The program also has proven to be cost effective, resulting in a net savings to the Government.

Mr. President, the most important part of this work incentive program is the continuation of medical coverage. Under our bill, all Social Security Disability Insurance beneficiaries who work would be eligible for continued Medicare benefits if other insurance is unavailable.

Currently, disabled individuals who work are eligible for 48 months of continued Medicare benefits. After 48 months, disabled people who attempt to work lose their Medicare health benefits. Under this bill, all SSDI beneficiaries would be eligible for continued Medicare benefits after the 48-month period. The bill would allow beneficiaries to buy into Medicare, with Medicaid subsidizing lower income people.

All individuals with incomes at or below 150 percent of the poverty level—$9,200 per year—would have all Medicare premiums paid for by Medicaid. This is similar in principal to the provision in the Medicare Catastrophic Coverage Act of 1988 which mandates Medicaid to pay the premium

and deductible and copayment costs for low-income elderly and disabled individuals. Individuals with incomes between 150 and 250 percent of poverty—$15,400 per year—would also be eligible for Medicaid payment of Medicare premiums. But for these individuals, a State could impose a copayment on them based on a sliding scale related to their income. States could also provide funds for individuals up to 350 percent of poverty. Again, States have the option of implementing a sliding fee scale based on income.

Key to any work incentive program is gradual reflection of benefits in proportion to increases in income, in order to reflect the ability of the disabled person to work. Not only does this approach ease the impact of loss of benefits, but it also allows the disabled individual to feel more self-sufficient.

S. 1358 would provide reduced cash benefits to a targeted group of the most needy SSDI beneficiaries, primarily disabled adult children, who earn over $300 a month. These beneficiaries would remain eligible for SSDI benefits, including Medicare, as long as they continue to have a disabling impairment. Their SSDI cash benefits would be reduced by $1 for each $2 earned above the first $85.

The bill also would allow SSDI beneficiaries who face the loss of SSDI benefits to be treated as SSI recipients, if they meet SSI eligibility requirements, and thus to participate in the SSI 1619 work incentive program. These individuals would then have access to health benefits under the Medicare Program. Medicaid health benefits often can better meet the long-term care needs of disabled persons.

Mr. President, S. 1358 is a bipartisan approach to reform the SSDI Program to encourage beneficiaries to reach their full potential. While the Congressional Budget Office estimates the cost of the bill to be approximately $2 million in 1990, $14 million in 1991, and $120 million over 5 years, the bill should generate net savings to the disability trust funds due to reduced benefit payments. In addition, these newly employed Americans will pay Federal income and Social Security taxes as well as contribute to the general health of our economy.

Only one-half of 1 percent of SSDI beneficiaries ever return to the work force. This is a tragedy. We must make a greater effort to return these people to productive lives, making them more independent while reducing Federal outlays for assistance.

We have worked closely with a number of leading advocacy organizations for disabled Americans in developing this legislation, and 25 national organizations have endorsed the Social Security Work Incentives Act of 1989. They include:

American Diabetes Association,
American Federation of Government Employees,
American Psychiatric Association,
Association for Children and Adults with Autism,
Association for Retarded Citizens—U.S.,
Catholic Charities, USA,
Epilepsy Foundation of America,
International Association of Psychosocial Rehabilitation Services,
Mental Health Law Project,
National Association of Protection and Advocacy Systems,
National Association of State Mental Retardation Program Directors,
National Head Injury Foundation,
National Council of Community Mental Health Centers,
National Mental Health Association,
United Cerebral Palsy Association, Inc.,
National Council on Independent Living,
National Association of Rehabilitation Professionals in the Private Sector,
National Association of Disability Examiners,
National Alliance for the Mentally Ill,
National Federation of Societies for Clinical Social Work,
Save our Security,
National Association of Rehabilitation Facilities,
National Association of Social Workers,
National Association of State Mental Health Program Directors, and
National Rehabilitation Association.

Mr. President, I hope S. 1358 is enacted this year. The Congress and the administration need to move strongly to reform the SSDI Program to meet the changing needs of beneficiaries.

I urge my colleagues to cosponsor this critical legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1358

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SPECIAL STATUS FOR PERSONS WITH DISABILITIES WHOSE EARNINGS EXCEED SUBSTANTIAL GAINFUL ACTIVITY

SEC. 101. IN GENERAL.

Title II of the Social Security Act is amended by inserting after section 224 (42 U.S.C. 424a) the following new section:

"SEC. 224A. BENEFITS FOR INDIVIDUALS WHO PERFORM SUBSTANTIAL GAINFUL ACTIVITY DESPITE A SEVERE MEDICAL IMPAIRMENT OTHER THAN BLINDNESS.

"(a) ELIGIBLE INDIVIDUALS.—

"(1) Any individual who receives benefits (A) under subsection (d) of section 202 other than by reason of blindness, or (B) subject to the limitations set forth in paragraph (2), under subsection (a) of section 223, and who works and earns over the level for substantial gainful activity shall continue to be eligible for benefits, as set forth in this section, for so long as the Secretary determines that such individual continues to have the disabling physical or mental impairment or impairments on the basis of which such individual was found to be under a disability and continues to meet all nondisability-related requirements for eligibility for benefits under this subsection.

"(2) Those individuals who became entitled to benefits under subsection (a) of section 223 as a result of receiving quarters of coverage due to earnings for work while entitled to benefits under subsection (d) of section 202, section 1611, or subsections (a) or (b) of section 1619 shall be considered eligible individuals for purposes of subsection (a)(1).

"(b) REDUCTION OF BENEFITS BASED ON DISABILITY BY REASON OF MONTHLY EARNINGS.—

"(1)(A) For individuals eligible under this subsection, except as provided in subparagraph (B)—

"(i) the amount of an individual's benefit for any month under subsection (d) of section 202 based on disability shall be reduced (to not less than zero) by 50 percent of such individual's monthly earnings in excess of $85 ordinarily taken into account by the Secretary in determining substantial gainful activity, and

"(ii) the amount of an individual's disability insurance benefit for any month under section 223 and the amounts of all other monthly benefits under this title for such month based on the same wages and self-employment income shall, in the aggregate, be reduced (to not less than zero) by 50 percent of such individual's monthly earnings in excess of $85 ordinarily taken into account by the Secretary in determining substantial gainful activity, except that such reduction shall be applied—

"(I) first to the disability insurance benefit for such month of such individual (in an amount not to exceed the amount of such benefit),

"(II) then to all such other benefits for such month in proportion to the amounts of such other benefits (in amounts not to exceed the respective amounts of such benefits); and

"(III) if an individual receives a benefit which is based upon both subsection (d) of section 202 and section 223, the reductions listed in subclauses (I) and II shall be made only once, from the entire amount of the benefit which the individual is entitled to receive.

"(B) In the case of an individual who is entitled for any month both to a benefit referred to in subparagraph (a)(1) and a benefit under the supplementary security income program under title XVI (including any federally administered supplementary payment of the type described in section 1616(a))—

"(i) the reduction under subparagraph (A) shall not apply, and

"(ii) the total benefit (consisting of the benefit under title XVI and the benefit referred to in subsection (a)(1)) shall be subject to the reduction provided under section 1611(b) as if such total benefit were the benefit under title XVI,

except that, in so applying such reduction to such total benefit, such reduction shall be applied to the portion payable under title XVI before being applied to the portion payable under this subsection.

"(2) The amount by which a benefit for any month is reduced under this section shall be determined on the basis of earnings in the first or, if the Secretary so determines, second month preceding such month. The amount of the reduction shall be redetermined at such time or times as may be provided by the Secretary.

"(3) Reduction under this section shall be made after any reduction or deduction made under section 203, 222(b), or 224.".

SEC. 102. CONTINUATION OF ENTITLEMENT TO BENEFITS BASED ON DISABILITY WHILE UNDER SPECIAL STATUS.

(a) TERMINATION OF ENTITLEMENT DELAYED UNTIL TERMINATION OF SPECIAL STATUS.—

(1) DISABILITY INSURANCE BENEFITS.—Section 223(a)(1) of the Social Security Act (42 U.S.C. 423(a)(1)) is amended in the second sentence by striking the period at the end thereof and by inserting in lieu thereof ", or, in the case of an individual who is eligible for continued benefits under section 224A, such individual's disability shall not be considered to have ceased until such status terminates.".

(2) CHILD'S INSURANCE BENEFITS BASED ON DISABILITY.—Section 202(d)(1)(G)(i) of such Act (42 U.S.C. 402(d)(1)(G)(i)) is amended by striking "except that" and all that follows through "activity)" and inserting "except that, in the case of an individual who is eligible for continued benefits under section 224A, such individual's disability shall not be considered to have ceased until such status terminates)".

(b) SPECIAL STATUS.—Section 224A of such Act (42 U.S.C. 424A) as added by this Act is further amended to read as follows:

"(c) SPECIAL STATUS.—Any individual who is entitled for a month to a disability insurance benefit under this section as limited by subsection (a) or to a monthly insurance benefit based on disability under subsection (d) of section 202, and whose earnings in a subsequent month are greater than or equal to the amount designated by the Secretary ordinarily to represent substantial gainful activity shall be considered to be in a special status under this subsection for so long as—

"(1) such individual continues to have the disabling physical or mental impairment on the basis of which such individual was found to be under a disability, and

"(2) such individual meets all other nondisability related requirements for entitlement to such benefits under this title.".

(c) CONFORMING AMENDMENTS TO TRIAL WORK PERIOD PROVISIONS.—

Subsection (c) of section 222 of such Act (42 U.S.C. 422(c)) is amended—

(1) in paragraph (1), by inserting "only for disability based on blindness)" after "202(d)";

(2) in paragraph (2), by inserting "subject to the exceptions set forth in section 224A(a)," after "section 223"; and

(3) in paragraph (3), by striking "or, in the case of an individual entitled to benefits under section 402(d) of this title who has attained the age of eighteen, with the month in which he becomes entitled to such benefits or the month in which he attains the age of eighteen, whichever is later.".

SEC. 103. MISCELLANEOUS AND CONFORMING AMENDMENTS.

(a) TREATMENT OF SIMULTANEOUS ENTITLEMENTS.—Subsection (k) of section 202 of the Social Security Act (42 U.S.C. 402(k)) is amended by adding at the end the following new paragraph:

"(5) The preceding provisions of this subsection shall be applied to benefits for each month before application of section 224A to any such benefits.".

(b) LIMITATION ON RECOVERY OF OVERPAYMENT FROM OTHERS ON THE SAME WAGE RECORD OF BENEFITS OVERPAID TO DISABLED ADULT CHILD DUE TO EARNINGS.—Section 204(a)(1)(A) of such Act (42 U.S.C. 404(a)(1)(A)) is amended by inserting after the first sentence the following new sentence: "In any case in which the overpaid person or any other person referred to in the preceding sentence is entitled to a benefit for any month under section 202(d) based on disability, if any decrease pursuant to this subparagraph in payments under this title for such month is a result of payment to the overpaid person of more than the correct amount by reason of failure to apply an appropriate reduction under section 224A, the benefit for such month of other persons entitled to benefits on the same earnings record shall not be subject to reduction as a result of the overpayment.".

(c) EXTENSION TO CURRENT RECIPIENTS OF DISABILITY INSURANCE BENEFITS OF CURRENT RULE PREVENTING REDUCTIONS IN PRIMARY INSURANCE AMOUNT FOR PRIOR RECIPIENTS.—Subparagraph (C) of section 215(a)(2) of such Act (42 U.S.C. 415(a)(2)(C)) is amended—

(1) by striking "after the close of" and inserting "during, or after the close of,";

(2) by striking "because of recomputation of such individual's primary insurance amount during such period of disability," after "whether";

(3) by inserting "because of recomputation of such individual's primary insurance amount during such period of disability," after "whether"; and

(4) by striking "former".

(d) ROUNDING CONFORMING AMENDMENT.—Subsection (g) of section 215 of such Act (42 U.S.C. 415(g)) is amended by striking "sections 203(a) and 224" and inserting "sections 203(a), 224, and 224A".

(e) CONFORMING AMENDMENT.—The heading for section 224 of such Act (42 U.S.C. 424a) is amended by adding at the end the following: "BY REASON OF PERIODIC BENEFITS".

(f) LIMITATION OF APPLICABILITY TO INDIVIDUALS WHOSE DISABILITY IS BASED ON BLINDNESS.—Nothing in section 101, 102, or 103 shall be construed to limit in any way the benefits and protections provided under the Social Security Act to individuals who receive benefits based upon blindness.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this title shall apply with respect to entitlement to or benefits provided on the first day of the 13th calendar month following the month in which the date of enactment of this Act occurs.

(2) DELAYED EFFECTIVE DATE FOR BENEFICIARIES ENGAGED IN TRIAL WORK.—In the case of any individual entitled on the first day of the 13th calendar month following the month in which the date of enactment of this Act occurs to benefits based on disability under section 202(d) of the Social Security Act or section 223, as set forth in subsection (a) of section 224A, for whom such month is a month of trial work under section 222 of such Act, the amendments made by this title shall apply with respect to entitlement to or benefits provided on the first day of the 13th calendar month following the month in which the date of enactment of this Act occurs or, if the first day of the 13th calendar month following the month in which the date of enactment of this Act occurs is one of two or more consecutive months of trial work for such individual under such section 222, the month following such period of consecutive months.

(3) SPECIAL RULE FOR CERTAIN EXISTING BENEFICIARIES.—The amendments made by this subtitle shall not apply in the case of an individual who is entitled to benefits on the first day of the 13th calendar month following the month in which the date of enactment of this Act occurs if such individual has derived earnings (during the period of such entitlement ending with such month) ordinarily taken into account by the Secretary of Health and Human Services under section 223(d)(4) of such Act in determining substantial gainful activity, and such earnings have never equaled or exceeded (for any month in such period of entitlement) the amount designated by the Secretary (for such month) ordinarily to represent substantial gainful activity.

TITLE II—AMENDMENTS TO SECTION 1619 OF THE SOCIAL SECURITY ACT

SEC. 201. BENEFITS FOR PERSONS WHO LOSE SOCIAL SECURITY DISABILITY BENEFITS.

(a) IN GENERAL.—Part A of title XVI (42 U.S.C. 1382 et seq.) is amended by inserting after section 1619 the following:

"BENEFITS FOR PERSONS WHO LOSE SOCIAL SECURITY DISABILITY BENEFITS

"SEC. 1619A. Each individual—

"(1) who received benefits under subsection (d), (e), or (f) of section 202 based on disability, or disability insurance benefits under section 223;

"(2) whose benefits under such provision are not payable in a month after the close of the individual's trial work period determined by application of section 222(c)(4)(A) by reason of the rendering of services; and

"(3) who files an application for benefits under this title during the 33-month period beginning with the first month, after the end of such individual's trial work period, for which a benefit described in paragraph (1) is not payable,

shall, for purposes of the requirement in section 1619 of a prior month of eligibility for benefits under section 1611, be deemed to have been eligible for benefits under section 1611 in the month immediately preceding such 33-month period, and such application shall be deemed to have been filed in such immediately preceding month.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals whose trial work period ends after the first day of the 13th calendar month following the month in which the date of enactment of this Act occurs.

TITLE III—CONFORMING AMENDMENTS RELATING TO TITLE XVI

SEC. 301. INAPPLICABILITY OF SPOUSAL DEEMING UNDER SECTION 1619(b).

Section 1619 of the Social Security Act (42 U.S.C. 1382h) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) In determining whether an individual meets the requirements of subsection (b)(1)(B), beginning with the first month in a period of disability or blindness that an individual would have income deemed to be available to them under the provisions of section 1614(f)(1) which (except for the provisions of this subsection) would have made them ineligible under subsection (b) because of the requirements of subsection (b)(1)(B) and continuing for each subsequent month during such period of disability or blindness, the income of such individual's spouse shall not be considered in determining whether such individual meets the requirements of subsection (b)(1)(B).".

SEC. 302. EXCLUSION FROM INCOME UNDER SECTION 1619 OF ALL COSTS OF ATTENDANT CARE.

Section 1619(b)(1)(D) of the Social Security Act (42 U.S.C. 1382h(b)(1)(D)) is amended by inserting "whether or not such services or assistance is also needed to enable him to carry out his normal daily func-

tions," before "which would be available to him in the absence of such earnings.".

SEC. 303. EXCLUSION FROM INCOME OF IMPAIRMENT-RELATED WORK EXPENSES IN STATE SUPPLEMENTATION-ONLY CASES.

Section 1612(b)(4)(B)(ii) of the Social Security Act (42 U.S.C. 1382a(b)(4)(B)(ii)) is amended by inserting "(or a federally administered State supplementary payment)" after "title".

SEC. 304. DISREGARD OF COST-OF-LIVING ADJUSTMENTS UNDER TITLE II IN DETERMINING MEDICAID ELIGIBILITY UNDER SECTION 1619 IF SUCH ADJUSTMENTS WOULD BE THE SOLE BASIS FOR INELIGIBILITY.

Section 1619(b) of the Social Security Act (42 U.S.C. 1382h(b)) is amended by adding at the end the following new paragraph:

"(4) Benefits shall be provided under title XIX to any individual (and such individual's spouse (if any)) for any month for which such individual is entitled to a monthly insurance benefit under title II but is not eligible for benefits under subsection (a), in like manner and subject to the same terms and conditions as are applicable under this section in the case of individuals who are eligible for and receiving benefits under subsection (a) for such month, if for such month such individual would be (or could become) eligible for benefits under subsection (a) except for amounts of income received by such individual which are attributable to increases in the level of monthly insurance benefits payable under title II which have taken effect pursuant to section 215(i), in the case of such individual, since the later of November 1989 or the last month for which such individual was both eligible for (and received) benefits under subsection (a) and was entitled to a monthly insurance benefit under title II, and, in the case of such individual's spouse (if any), since the later of November 1989 and the last month for which such spouse was both eligible for (and received) benefits under subsection (a) and was entitled to a monthly insurance benefit under title II.".

SEC. 305. ATTAINMENT OF AGE 65 NOT TO SERVE AS BASIS FOR TERMINATION OF ELIGIBILITY UNDER SECTION 1619(b).

Section 1619(b) of the Social Security Act (42 U.S.C. 1392h(b)) is amended by striking "under age 65".

SEC. 306. STATE SUPPLEMENTATION FOR INDIVIDUALS UNDER SECTION 1619.

Section 1616 of the Social Security Act (42 U.S.C. 1382e) is amended—

(1) in subsection (b)(1), by inserting "(including benefits under section 1619)" after "title"; and

(2) in subsection (c)(3), by striking "have the option of making" and inserting in lieu thereof "make".

SEC. 307. TREATMENT OF ROYALTIES HONORARIUM AND SCHOLARSHIPS AS EARNED INCOME.

Section 1612(a) of the Social Security Act (42 U.S.C. 1382a(a)) is amended—

(1) in paragraph (1), by inserting after "(D)" the following:

"(E) any royalty which is earned in connection with any publication of an individual's work or any portion of any grant, honorarium, scholarship, or fellowship; and"; and

(2) in paragraph (2)(F), by inserting after "interest, and" the following: ", subject to the exception in (a)(1)(E),".

SEC. 308. EFFECTIVE DATES.

The amendments made by this title shall apply with respect to benefits for months after beginning on or after the first day of the 13th calendar month following the month in which the date of enactment of this Act occurs, except as otherwise provided.

TITLE IV—AMENDMENTS RELATING TO MEDICARE AND MEDICAID PROGRAMS

SEC. 401. 48-MONTH LIMITATION ON MEDICARE BENEFITS FOR INDIVIDUALS IN SPECIAL STATUS.

(a) IN GENERAL.—Section 226(b) of the Social Security Act (42 U.S.C. 426(b)) is amended by adding at the end the following: "Notwithstanding paragraph (2)(A), in the case of an individual who is entitled to hospital insurance benefits under this subsection for a month only because the individual is entitled to disability insurance benefits, or benefits under subsection (d) of section 202 based on disability, as a result of being under the special status under section 224A, and whose earnings in the month are greater than or equal to the amount designated by the Secretary ordinarily to represent substantial gainful activity in connection with the disability involved, such entitlement shall cease as of the end of the 48th month (which need not be in a period of consecutive months) in which the individual both is so entitled and has such earnings and the Secretary shall provide such individual's notice (not later than the 45th such month) of the period remaining in such entitlement and the opportunity under section 1818A to buy into the Medicare program after the expiration of the 48th such month.".

(b) TRANSITIONAL RULE.—In the case of an individual who was provided hospital insurance benefits under the third sentence of section 226(b) of the Social Security Act before the first day of the 13th calendar month following the month after the date of enactment of this Act occurs, months in which such benefits were provided under such sentence shall be counted against any 48-month limitation provided under the sentence added by subsection (a).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to benefits for months after June 1990.

SEC. 402. PERMITTING MEDICARE BUY-IN FOR CONTINUED BENEFITS.

(a) IN GENERAL.—Title XVIII of the Social Security Act is amended by inserting after section 1818 the following new section:

"HOSPITAL INSURANCE AND MEDICAL BENEFITS FOR DISABLED INDIVIDUALS WHO HAVE EXHAUSTED OTHER ENTITLEMENT

"SEC. 1818A. (a) Every individual who—

"(1) has not attained the age of 65,

"(2)(A) would be entitled to benefits under this part under section 226(a) or 226(b), but for the 48-month limitation specified in the fifth sentence of such section, or (B) is blind (within the meaning of section 216(i)(1)) and would be entitled to benefits under this part under section 226(b), but for the 24-month limitation specified in the third sentence of such section, and

"(3) is not otherwise entitled to benefits under this part, shall be eligible to enroll in the insurance program established by this part.

"(b) Any individual enrolling under this section in the insurance program established by this part shall also be required to enroll in part B of this title.

"(c) An individual may enroll under this section only in such manner and form as may be prescribed in regulations, and only during an enrollment period prescribed in or under this section.

"(d) The provisions of section 1837 (except subsections (f), (g) and (i) thereof), section 1838 (other than subsections (c) and (e) thereof), and section 1840 shall apply to individuals authorized to enroll under this section, except that—

"(1) the initial enrollment period shall begin on the first day of the third month before the month in which the individual first becomes eligible and shall end 7 months later; and

"(2) an individual's entitlement under this section shall terminate with the month before the first month in which the individual becomes eligible for hospital insurance benefits under section 226 (including, in the case of an individual described in subsection (a)(2)(B), such eligibility under section 226(b) or 226(a) through the application of section 223(d)(1)(B)) and upon such termination such individual shall be deemed, solely for purposes of hospital insurance entitlement, to have filed in such first month the application required to establish such entitlement.

"(e) The provisions of subsections (d) through (f) of section 1818 shall apply to individuals enrolled under this section.".

(b) MEDICARE AS SECONDARY PAYOR TO EMPLOYER PLANS.—Section 1862(b)(4)(A)(i) of the Social Security Act (42 U.S.C. 1395y(b)(4)(A)(i)) is amended by inserting "or any other individual is eligible for or receives benefits under this title due to enrollment under section 1818A" after "226(b)".

SEC. 403. REQUIRING MEDICAID PAYMENT FOR MEDICARE PREMIUMS FOR POOR, DISABLED INDIVIDUALS ENROLLING IN MEDICARE.

(a) IN GENERAL.—Section 1902(a)(10)(E) of the Social Security Act (42 U.S.C. 1396(a)(10)(E)) is amended—

(1) by inserting "(i)" after "(E)",

(2) by striking the semicolon at the end and inserting ", and", and

(3) by adding at the end the following new clause:

"(ii) for making medical assistance available for payment of Medicare cost-sharing described in section 1905(p)(3)(A) for qualified disabled and working individuals described in section 1905(r);".

(b) ELIGIBILITY.—Section 1905 of such Act (42 U.S.C. 1396d) is amended by adding at the end the following new subsection:

"(r) The term 'qualified disabled and working individual' means an individual—

"(1) who is entitled to enroll for hospital insurance benefits under part A of title XVIII under section 1818A and who is enrolled under part B of such title;

"(2) whose income (as determined under section 1612 for purposes of the supplemental security income program) does not exceed 250 percent, or at the State's option 350 percent, of the income official poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved;

"(3) whose resources (as determined under section 1613 for purposes of the supplemental security income program) do not exceed the maximum amount of resources that an individual (or a couple, in the case of an individual with a spouse who is eligible for supplemental security income benefits under title XVI) may have and obtain benefits under that program; and

"(4) who is not otherwise eligible for medical assistance under this title.".

(c) PREMIUM PAYMENTS REQUIRED FOR CERTAIN INDIVIDUALS.—Section 1916 of such Act (42 U.S.C. 1396o) is amended—

(1) in subsection (a), by striking "(E)" and inserting "(E)(i)";

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (c) the following new subsection:

"(d)(1) With respect to a qualified disabled and working individual described in section 1905(r) whose amount of income (as it would be determined as if such individual was applying for benefits under title XVI of this Act) exceeds 150 percent of the income official poverty line for an unrelated individual under the age of 65 (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981), the State plan of a State may provide for the charging of a premium (expressed as a percentage of the Medicare cost-sharing described in section 1905(p)(3)(A) provided with respect to the individual) according to a sliding scale under which such percentage increases from 0 percent to 100 percent, in reasonable increments as the individual's income increases from 150 percent of such poverty line to 250 percent of such poverty line or 350 percent of such poverty line at the State's option.

"(2) A State shall not require prepayment of a premium imposed under this subsection and shall not terminate eligibility of an individual for medical assistance under this title on the basis of such individual's failure to pay any such premium until such failure continues for a period of not less than 60 days.".

(e) CONFORMING AMENDMENTS.—(1) Section 1905(p)(3) of such Act (42 U.S.C. 1396d(p)(3)) is amended—

(A) by inserting "(or, with respect to a qualified disabled and working individual, the premiums described in subparagraph (A))" after "qualified Medicare beneficiary" the first place it appears, and

(B) in subparagraph (A), by striking "section 1818" and inserting "sections 1818 and 1818A".

(2) Section 1905(p)(1)(A) of such Act (42 U.S.C. 1396d(p)(5)) is amended by inserting "but not including an individual entitled to such benefits only pursuant to an enrollment under section 1818A".

(3) Section 1902(f) of the Social Security Act (42 U.S.C. 1396a(f)) is amended by inserting "and except with respect to qualified disabled and working individuals (described in section 1905(r)" after "1619(b)(3)".

(e) EFFECTIVE DATE.—(1) The amendments made by this title apply (except as provided under paragraph (2)) to payments under title XIX of the Social Security Act for calendar quarters beginning on or after the first day of the 13th calendar month following the month in which the date of enactment of this Act occurs without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the rest of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.●

Mr. DOLE. Mr. President, I am pleased to join my distinguished colleague from Michigan, Senator RIEGLE in introducing the Social Security Work Incentives Act. The purpose of this legislation is to provide work incentives for beneficiaries of the Social Security Disability Insurance [SSDI] program similar to those provided under section 1619 of the Supplemental Security Income [SSI] program.

Unfortunately the current work incentives in the SSDI have not been successful. Under current law, beneficiaries of this program risk loss of their cash benefits and, most important, access to health insurance under Medicare. Encouraging retirement from the workplace by these individuals is not the intent of Congress.

The provisions of this legislation are similar to the work incentive provisions of section 1619, which I worked with my Senate colleagues and Representative STEVE BARTLETT to enact during the 99th Congress. The provisions enacted under the Employment Opportunities for Disabled Americans Act—Public Law 99-643—have proven effective—evidenced by the growing numbers of SSI recipients that have returned to work and contributed to the tax base. The Social Security Work Incentives Act will extend the 1619 work incentive provisions—of continued cash assistance and access to health insurance under Medicare—to adult disabled children [DAC's], and a small population of eligible SSDI beneficiaries who have developed an earnings record while on SSI, and achieved insured status.

The applicability of the basic work incentive provisions which offers a benefit offset of $1 for every $2 earned above the disregard of $85 plus impairment-related work expenses will reach over 500,000 DAC's eligible for SSDI as disabled individuals age 18 or older, whose disability began before age 22, and who is a son, daughter, or eligible grandson/daughter of an insured, retired, deceased, or disabled worker.

Many individuals who became DAC's were previously on SSI, which entitled them to 1619 work provisions. Because of a change in family circumstances—for example, the death of a parent—this vulnerable group of individuals with their changed status into the SSDI program will now have the opportunity to continue working and receiving cash assistance and access to health care.

Evidence suggests that disincentives to work eminate from loss of medical benefits. Currently, all individuals on SSDI would no longer receive Medicare once they exhaust the trial work period and the extended period of work eligibility totaling 48 months. Under this legislation, recipients would be given the option to continue to receive health insurance as a second payor under Medicare. All individuals with incomes below or at 150 percent of the poverty level would have Medicare part A and Part B premiums paid for entirely by Medicaid.

Individuals with income between 150 percent and 350 percent of the poverty level would also be eligible for Medicaid payment of the Medicare premiums giving States the option of imposing a copayment based on income.

A final option for SSDI beneficiaries who face loss of SSDI benefits due to return to employment—is an allowance to be treated as SSI recipients and participate in the section 1619 program as long as they remain disabled. This option would only be available to individuals who are not eligible under part A and meet resource tests required for SSI eligibility.

The legislation I am introducing with Senator REIGLE today will provide people with disabilities protection against the loss of one's economic and medical security.

Increasing employment opportunities for persons with disabilities is high on the agenda for the 101st Congress. We are all aware of the Harris Poll indicating that two-thirds of all disabled persons in this country between the ages of 16 and 64 are not working—despite the fact they want to work.

Congress should focus on creating incentives for employment of the disabled and equally important, eliminating the disincentives that currently exist. Individuals receiving Social Security Disability Insurance [SSDI], and who earn above the substantial gainful activity [SGA], must be assured access to health care. Allowing individuals to work makes good financial sense. More important however, is the human dignity derived by being a contributing member of society.

A recent CBO preliminary estimate of the cost pertaining to the provisions of this bill project the cost to be $120 million over 5 years. The financial advantages of enabling an SSDI recipient to work are substantial. In the 1984 report to Congress by the rehabilitation services administration—it was indicated that for every $1 spent to return a disabled person to work, 18 were returned to the tax base upon their placement. This would include not only taxes paid by the individual but money saved by the removal of public expenditures.

The cost effectiveness of this program seems quite evident, considering the high costs of Federal and State

Social Security and welfare benefits which are reduced when work opportunities are provided.

Returning people with disabilities to the workforce will contribute to a vision of America where persons are judged by their abilities, not their disabilities.

Mr. President, in concluding, I would like to share one of many letters that I have received from those affected by the current disincentives under this program. She writes:

My problem is my Social Security Disability Income. I am currently not allowed to earn over $300.00 per month. I started at $3.64 an hour and will soon get a raise—but that means dropping back my hours more or lose my benefits. If I gave up my benefits and tried to work full time, by the time I paid income tax on my earnings and paid for medical insurance I would not be any better off than I am now.

I don't know of any handicapped person who wants to be pitied. Most want a chance to live as normal a life as possible. We can be productive citizens and need a chance to prove it.

I look forward to passing this important piece of legislation during the 101st Congress and writing her to share the news that she can do just that.

I ask unanimous consent that the entire text of her letter be included in the RECORD.

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

PORTSMOUTH, NH,
May 6, 1989.

Senator ROBERT DOLE,
Hart Senate Office Building, Washington DC.

DEAR SENATOR DOLE: This morning on Good Morning America I heard you talking about your interest in helping disabled people.

Every time I hear someone talking on this subject, it's always about finding jobs or housing to make a handicapped person more independent. But I have never heard anyone address the problem that I am having. I'm sure there must be thousands of people in the same situation.

I had polio in 1949. I have no use of my legs and a limited use of my left hand and arm.

I worked at an electronics company for 8 years in the 1960's. I quit that job when the company moved out of State. I then applied for Social Security disability and we adopted two girls.

In 1980 my husband divorced me and left me with 2 girls to raise and no child support. I had to find a job so I called vocational rehab. They worked with me for 3 years trying to find a job that would fit my situation. Then the supervisor of the service dept. at Sears Roebuck called vocational rehab with a 20-hour a week job that he felt a handicapped person could do.

I took the job and have been working there for 5 years. I love my job. The manager and other employee's have been very helpful to me. They have arranged the office so everything is handy for me—low files and special desk. Someone gets my work for me and helps if there is anything I need.

My problem is my Social Security Disability. I'm not allowed to earn over $300.00 a month. I started at $3.65 and so was able to work 20 hours a week and I got 2 weeks paid vacation and 6 paid holidays. But with raises over the past 5 years I now make $7.05 an hour.

Everytime I got a raise I had to drop back my hours and so lost my paid vacation and paid holidays.

In September my Social Security benefits were stopped because I was still a little over $300.00 a month. I reapplied and was reinstated and was told that I was still eligible as long as I stay under $300.00. Now I can only work 11 hrs. a week and my take home pay $63.00 a week. I will be getting another raise soon and I'll have to drop back my hours more or lose my benefits. If I gave up my benefits and tried to work full time—Sears only hires mostly part-time help—by the time I paid income tax on my earnings and paid for medical insurance I would not be any better off than I am now.

It is very discouraging and there is no incentive. I have a nice job that I am able to do, the people that I work with are wonderful and Vocational Rehab helped me purchase a handicap van that I drive from my wheelchair, so I have no transportation problems and yet I'm going to work myself out of a job.

I feel the $300.00 a month limit is ridiculous and should certainly be raised. I don't understand how anyone could consider $300.00 "gainful employment."

What can I do to help get this law changed. They both told me I should apply for welfare. I don't want welfare and I don't need it. I want to be able to work about 20 hours a week and do the job I was hired to do.

Also I feel this law must discourage companies from hiring disabled people. Sears hired me for a 20-hr-a-week job and I can only work 11 hours so they have to have someone else finish my job.

Thank you for your time in hearing me out. I realize this letter is rather long, but I need to have someone understand another problem a disabled person faces in working. I don't know of any handicap who wants to be pitied. Most want a chance to live as normal a life as possible. We can be productive citizens and need a chance to prove it.

Thank you very much.

Yours truly,

RITA JOLLY.

● Mr. HARKIN. Mr. President, I am pleased to again join with Senators RIEGLE and DOLE in introducing legislation to extend the section 1619 work incentives provisions of the Supplemental Security Income [SSI] Program to disabled adult children and certain other beneficiaries of the Social Security Disability Insurance [SSDI] Program.

In 1986, we guaranteed Americans who are disabled and receive SSI the opportunity to work full or part time without fear of losing all SSI payments or medical benefits and attendant services simply because they were successful in earning more than $300 a month. This program has been very successful. It saves the taxpayers money while, at that same time, provide people with disabilities an opportunity and an incentive to work.

This legislation will allow us to do the same thing for adults with disabilities who have parents or grandparents that are participants of SSDI programs, or who were successful in developing an earnings record while enrolled in the Supplemental Security Income [SSI] Program. Evidence suggests that disincentives to work comes from loss of medical benefits as well as cash benefits. This bill will allow people with disabilities to continue their participation in the work life of America without being penalized for doing so.

For too long the SSDI Program has been seen by many as an early retirement program for people too disabled to continue working. This legislation will redirect the SSDI Program away from the retirement model and toward a program specifically designed to meet the needs of disabled workers. Further, it supports the efforts of many Americans with disabilities who want to—and deserve to be—productive and contributing members of our work force.

Mr. President, this legislation remains consistent with the SSI Program and, with only modest modification, produces a significant improvement in the Social Security Disability Insurance Program. Most importantly, it better serves our citizens with disabilities, and is supported by members of the disabled community.

I want to thank my colleagues from Michigan and Kansas for their unflagging commitment to reforming the Social Security Disability Insurance Program and making it more relevant and useful to a significant number of Americans.●

● Mr. SASSER. Mr. President, I am pleased to join my colleagues, Senators RIEGLE and HARKIN, in support of the Social Security Work Incentives Act that is being introduced today. I am also proud to announce that I am an original cosponsor of this landmark legislation.

The passage of this act would remove some of the insensitivity that presently exists in our Nation's Social Security Disability Insurance [SSDI]. Under the current system, SSDI recipients have no reason to work or to attempt to remove themselves from Social Security disability. Indeed, our system is a disincentive to working because any gainful employment results in the elimination of one's benefits after a 9-month trial period.

Mr. President, I am aware of the need to keep our disability program strictly limited to those who are truly disabled to prevent fraud and abuse. This legislation would do nothing to change the eligibility requirements for SSDI, but it would recognize the fact that there are many legitimately disabled people who are able to perform some types of work. The number of

disabled who are able to work is increasing daily with additional technological advances that are allowing them to do so.

Presently, most SSDI recipients are afraid to work, because after 9 months of working all of their benefits are revoked. After only 9 months they are expected to support themselves totally and provide for their own health insurance. As all of us are aware, this is virtually impossible for the vast majority of SSDI recipients.

The legislation that is being introduced today would allow SSDI beneficiaries to work to the extent that they are able while having their cash benefits reduced according to the amount of income they earn. They would also be allowed to keep the Medicare benefits that are a part of their disability package until their incomes reach a level that allows them to pay for some or all of their Medicare premiums on a sliding scale.

The concept of scaled benefits has been tested with the supplemental security program and has proved effective in returning many disabled individuals to work. It's high time we extend this progressive approach to our SSDI Program. Disabled Americans deserve a better chance to become contributing members of society. The Social Security Work Incentives Act gives us an opportunity to give them that chance.

Mr. President, I urge my colleagues to join me in supporting this overdue legislation.●

● Mr. SIMON. Mr. President, I am happy to join my colleagues, Senators RIEGLE and DOLE, as they reintroduce the Social Security Work Incentives bill. This bill would provide incentives for those Social Security disability insurance [SSDI] recipients who wish to work. Under this proposal SSDI recipients would be able to become productive members of the work force without the risk of losing basic income assistance and health benefits. We must do all that we can to support and encourage every individual to work to the full extent of his or her ability.

I was an original cosponsor of this bill last year, and it should be noted that some changes have been made in the legislation. While we had focused more on cash benefits in earlier versions of the bill, we now limit the cash benefits to two groups of beneficiaries and focus on maintaining medical benefits. While this is a compromise that I would have preferred not to have made, it is one that should allow us to enact this bill quickly and get moving in the right direction.

The Congressional Budget Office has estimated that this bill will cost roughly $14 million over 2 years, and $115 million over 5, compared to the $310 million over 5-year estimate that the CBO gave last year's bill. This is a cost that should be viewed as a sound investment in the increased productivity of a large group of Americans. To those who will move from the status of being supported to the status of supporting themselves and others, it is an investment in human dignity and self fulfillment.

The Social Security Work Incentives bill has the endorsement of a number of important organizations representing individuals who are differently abled. I am proud to join in this effort and I encourage my colleagues on the Senate Finance Committee to move quickly in support of this measure.●

Mr. PRESSLER. Mr. President, I am pleased to join my distinguished colleagues, Senators RIEGLE and DOLE, in cosponsoring the Social Security Work Incentives Act. The provisions of this bill would be a tremendous help to disabled persons who stay in the work force.

The current law is a disincentive to disabled persons because they lose Medicare coverage after 9 months of continuous work. When they lose Medicare, they often are without any form of health insurance. Disabled persons are employed in work that is extremely beneficial to society, but often in businesses that are too small to afford offering health insurance to their employees. The end result of the current law is the loss of talented, dedicated individuals from the work force.

Further, the current law creates a situation in which employers may be reluctant to employ disabled persons. They realize that, following 9 months of employment, the disabled persons will probably resign in order to protect his/her Medicare benefit. If this legislation becomes law, disabled persons could continue to work and not fear losing Medicare coverage. Employers would benefit through a stable work force and enhanced productivity.

Currently, approximately 1,442 South Dakotans with disabilities are employed at training sites throughout the State. Approximately, 80 percent of those in training are receiving Social Security disability income [SSDI]. Many are very capable of increasing their skills and moving into full-time employment. However, their fear of losing Medicare coverage is a disincentive.

I am very proud to state that 15,486 disabled persons are currently employed in the South Dakota labor force. That number represents 82 percent of all disabled persons in which the disability does not prevent them from working. I am proud of them because despite the disincentives they continue to help meet the needs of society.

This legislation is vitally needed to increase the number of individuals with disabilities in the work force. South Dakota, a State where the work ethic is highly valued, would benefit from passage of the Social Security Work Incentive Act. I lend my support to this effort and look forward to substantial growth in the number of disabled individuals in the American work force.

By Mr. MITCHELL (for himself, Mr. CHAFEE, Mr. BURDICK, Mr. BAUCUS, Mr. SASSER, Mr. SHELBY, Mr. SARBANES, Mr. CONRAD, Mr. LEVIN, Mr. COATS, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. PRYOR, Mr. BUMPERS, Mr. DECONCINI, Mr. COHEN, Mr. INOUYE, Mr. DODD, Mr. D'AMATO, Mr. JEFFORDS, Mr. REID, Mr. KERREY, Mr. MATSUNAGA, Mr. ADAMS, Mr. CRANSTON, Mr. FOWLER, Mr. DASCHLE, Mr. SIMPSON, Mr. MURKOWSKI, Mr. DOMENICI, Mr. WARNER, Mr. LIEBERMAN, Mr. LEAHY, Mr. HATFIELD, Mr. BENTSEN, Mr. GRAHAM, Mr. BRADLEY, Mr. HUMPHREY, Mr. LUGAR, Mr. ROBB, Mr. WILSON, Mr. PACKWOOD, Mr. KERRY, Mrs. KASSEBAUM, Mr. GORTON, Mr. MOYNIHAN, Mr. KASTEN, Mr. NUNN, Mr. HATCH, Mr. BURNS, Mr. HEINZ, Mr. BOSCHWITZ, and Mr. PRESSLER):

S.J. Res. 181. Joint resolution to establish calendar year 1992 as the "Year of Clean Water"; to the Committee on the Judiciary.

YEAR OF CLEAN WATER

Mr. MITCHELL. Mr. President, today I am introducing a joint resolution to establish calendar year 1992 as the "Year of Clean Water."

I am pleased to have over 40 of my colleagues as sponsors of this resolution, including the distinguished chairman of the Environment and Public Works Committee, Senator BURDICK, the ranking member of the committee, Senator CHAFEE, and the chairman of the Subcommittee on Environmental Protection, Senator BAUCUS.

Twenty years ago, pollution of our rivers, lakes, and marine waters was a major national problem. Discharges of raw sewage and untreated industrial wastes had turned some of our rivers and streams into stinking, open sewers.

In 1972 Congress responded to public concern for water pollution problems with passage of the Clean Water Act. I am pleased to note that my predecessor, Senator Edmund S. Muskie, played a major role in the development and enactment of the first Clean Water Act.

Since the passage of the Clean Water Act, we have made substantial progress in cleaning up water pollution problems and protecting water quality. The American people can be proud of these accomplishments, but the job is not complete. Serious water pollution problems persist in every part of the country.

The 1987 amendments to the Clean Water Act, passed in the last Congress over the veto of President Reagan, renewed our commitment to clean water and provided for new initiatives to assist municipalities in the construction of sewage treatment plants, in controlling toxic pollutants, in reducing nonpoint sources of pollution, and in protecting environmentally sensitive areas, such as estuaries.

Effective implementation of these new initiatives is essential to continued progress in water pollution control. We need to follow through on our commitment to make a gradual transition in funding of municipal sewage treatment plants from Federal grants to State revolving loan funds. We need to provide grant support for the implementation of State programs for control of nonpoint sources of pollution. And, we need to continue to press the Environmental Protection Agency for the full and aggressive implementation of the many important provisions of the Clean Water Act amendments.

As we look forward toward 1992, we need to continue our efforts to develop the best possible water pollution control program. An area of special concern is protection of the quality of our marine and coastal waters. These waters are a natural resource of tremendous environmental and economic importance, but they face an unprecedented number of environmental threats and, in some cases, their quality is declining.

Last summer, beaches were closed throughout the Northeast after the discovery of medical waste and other pollution problems. There is a large dead zone in the Gulf of Mexico. Lobsters taken off the mid-Atlantic coast have large burn holes as a result of pollution. We face huge cleanup problems in east coast harbors, including Boston Harbor. And, on the west coast, toxic chemicals and other heavy metals are in the sediments of Puget Sound, San Francisco Bay, and Santa Monica Bay.

I have introduced legislation to expand and strengthen research and protection programs for marine waters. I look forward to working with Senators LAUTENBERG, CHAFEE, BAUCUS, and others in developing the best possible legislation to respond to this important water quality problem.

October 1992 will be the 20th anniversary of the passage of the original Clean Water Act. As we approach this important anniversary of our water quality program, it is fitting that Congress reaffirm the Nation's commitment to the goals and objectives of the original Clean Water Act.

I urge any of my colleagues who have not sponsored this resolution to consider doing so and I ask unanimous consent that a copy of the joint resolution be printed in the RECORD.

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

S.J. RES. 181

Whereas, clean water is a natural resource of tremendous value and importance to the Nation;

Whereas, there is resounding public support for protecting and enhancing the quality of this Nation's rivers, streams, lakes, wetlands, and marine waters;

Whereas, maintaining and improving water quality is essential to protect public health, to protect fisheries and wildlife, and to assure abundant opportunities for public recreation;

Whereas, it is a national responsibility to provide clean water as a legacy for future generations;

Whereas, substantial progress has been made in protecting and enhancing water quality since passage of the 1972 Federal Water Pollution Control Act (Clean Water Act) due to concerted efforts by Federal, State, and local governments, the private sector, and the public;

Whereas, serious water pollution problems persist throughout the Nation and significant challenges lie ahead in the effort to protect water resources from point and nonpoint sources of conventional and toxic pollution;

Whereas, further development of water pollution control programs and advancement of water pollution control research, technology, and education are necessary and desirable; and

Whereas, October of 1992 is the 20th anniversary of the enactment into law of the Clean Water Act: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, the Congress of the United States hereby designates calendar year 1992 as the "Year of Clean Water" and the month of October 1992 as "Clean Water Month" in celebration of the Nation's accomplishments under the Clean Water Act, and the firm commitment of the Nation to the goals of the Act.

Mr. CHAFEE. Mr. President, America's Clean Water Foundation is working with the Congress, the administration, and some 60 national water related organizations to rekindle this Nation's grassroots commitment to clean water. In passing this resolution, we in the Congress will help the foundation launch its 3 year campaign to commemorate the 20th anniversary of the Clean Water Act.

Nearly two decades have passed since we, the Members of Congress, enacted the Federal Water Pollution Control Act Amendments of 1972. Since that time, we have made tremendous progress. Even so, water protection is a dynamic process requiring the continual vigilance of the American public. Much has been accomplished and much remains to be done.

Over two decades we have addressed discreet sources of pollution coming from municipalities and industrial sites. Now, we must focus on nonpoint sources, toxics pollution, stormwater runoff, and pollution in our oceans, bays, and estuaries.

To me, Mr. Chairman, the commemoration of two decades of water pollution control in this country is a testament to all we have tried to achieve and I rise in strong support of this important resolution.

As a founding member of the board of governors, I congratulate America's Clean Water Foundation for its willingness to take the lead in bringing the message of clean water to the attention of every American citizen.

Mr. LIEBERMAN. Mr. President, I am proud to join Senator MITCHELL as a cosponsor of the joint resolution to establish 1992 as the "Year of Clean Water" in commemoration of the 20th anniversary of the Clean Water Act.

The Clean Water Act of 1972 and the unanimous support of the Water Quality Amendments of 1977 stand with the best of our environmental legislation. With the Clean Air Act and the Wilderness Act, the Clean Water Act also represents the best of our environmental values. It provides the vision and the path: to keep America beautiful and to keep America healthy and strong, we must protect and conserve our natural resources.

The years since 1972 have shown remarkable improvement in water quality. No longer can industries discharge directly into our Nation's rivers and waterways. But the cleanup of those obvious sources have revealed the truth of our original vision: it is not some mysterious "they" which is responsible for our water pollution, but "we." A good 65 percent of the degradation of our waters presently comes from "nonpoint" sources—the runoff of streets and lawns, of farms and construction sites; in short, the runoff of every-day life. We must protect and conserve our natural resources; we must make some changes in how we live.

That is why this 20-year commemoration is so important. To make the changes needed in water conservation, in pesticides control, in wastewater treatment, we need to educate ourselves. To that end, I support the goals of America's Clean Water Foundation and their pledge to build on this joint resolution of Congress to enhance public awareness and personal stewardship for the water resources of our great Nation.

Mr. FOWLER. Mr. President, I am pleased to be an original cosponsor of this resolution to designate 1992 as the "Year of Clean Water." The 20th anniversary of the passage of the Clean Water Act provides an excellent opportunity to celebrate the act's considerable achievements.

We have come a long way in the past two decades toward curbing water pollution and protecting our precious water resources, and we cannot afford to relax our vigil now. Our progress in these areas was made possible only by a tremendous cooperative effort between all levels of government and the

American people. It is my hope that we will use this occasion to reaffirm a nationwide sense of unity of purpose as we consider the challenges that lie ahead for our water quality program. I believe the commemorative events being planned by America's Clean Water Foundation will play an important role in achieving this goal of renewed community involvement.

In assessing the accomplishments and unrealized potential of the Clean Water Act, it is important that we have accurate information on water quality trends since its inception. I am pleased that the Association of State and Interstate Water Pollution Control Administrators [ASIWPCA] has agreed to work with the States on the important project of documenting nationwide water quality trends over the past two decades.

I would like to take this opportunity to extend my appreciation to the ASIWPCA and to America's Clean Water Foundation for their important contributions to the upcoming "Year of Clean Water" commemoration. I would also like to commend the sponsors of this resolution and this effort to reaffirm our commitment to the goals of the Clean Water Act.

ADDITIONAL COSPONSORS

S. 6

At the request of Mr. McCAIN, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of S. 6, a bill to grant the power to the President to reduce appropriated funds within 10 days after the date of enactment of a bill appropriating such funds.

S. 34

At the request of Mr. HUMPHREY, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 34, a bill to amend title 28 of the United States Code to clarify the remedial jurisdiction of inferior Federal courts.

S. 134

At the request of Mr. GLENN, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 134, a bill to establish the Congressional Scholarships for Science, Mathematics, and Engineering, and for other purposes.

S. 135

At the request of Mr. GLENN, the names of the Senator from South Carolina [Mr. HOLLINGS] and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 135, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

S. 260

At the request of Mr. MOYNIHAN, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 260, a bill to amend the Internal Revenue Code of 1986 to make the exclusion from gross income of amounts paid for employee educational assistance programs.

S. 419

At the request of Mr. SIMON, the names of the Senator from Texas [Mr. GRAMM], the Senator from Virginia [Mr. ROBB], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of S. 419, a bill to provide for the collection of data about crimes motivated by race, religion, ethnicity, or sexual orientation.

S. 673

At the request of Mr. BRYAN, the names of the Senator from Washington [Mr. ADAMS], the Senator from Connecticut [Mr. DODD], the Senator from Hawaii [Mr. INOUYE], the Senator from Oregon [Mr. PACKWOOD], the Senator from Illinois [Mr. SIMON], and the Senator from California [Mr. WILSON] were added as cosponsors of S. 673, a bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1990 and 1991, and for other purposes.

S. 714

At the request of Mr. McCLURE, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 714, a bill to extend the authorization of the Water Resources Research Act of 1984 through the end of fiscal year 1993.

S. 720

At the request of Mr. BOREN, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 720, a bill to amend the Internal Revenue Code of 1986 to extend and modify the targeted jobs credit, and for other purposes.

S. 727

At the request of Mr. HEFLIN, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 727, a bill to amend the Animal Welfare Act to provide protection to animal research facilities from illegal acts.

S. 805

At the request of Mr. McCLURE, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of S. 805, a bill to amend the Food Security Act of 1985 to permit certain school districts to receive assistance to carry out the school lunch program in the form of all cash assistance or all commodity letters of credit assistance.

S. 843

At the request of Mr. ROCKEFELLER, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 843, a bill to establish a program of awards by the National Science Foundation for undergraduate students who are willing to commit themselves to teach elementary or secondary mathematics or science for a specified period of time.

S. 849

At the request of Mr. DASCHLE, the names of the Senator from Indiana [Mr. LUGAR], the Senator from North Carolina [Mr. HELMS], the Senator from Kentucky [Mr. FORD], the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 849, a bill to repeal section 2036(c) of the Internal Revenue Code of 1986, relating to valuation freezes.

S. 896

At the request of Mr. SPECTER, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 896, a bill to amend the Public Health Service Act to aid in the planning, development, establishment, and ongoing support of Pediatric AIDS Resource Centers, to provide for coordinated health care, social services, research and other services targeted to HIV infected individuals, and for other purposes.

S. 952

At the request of Mr. KERRY, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 952, a bill to stimulate the design, development, and manufacture of high definition television technology, and for other purposes.

S. 1091

At the request of Mr. GRAHAM, the names of the Senator from Maryland [Ms. MIKULSKI] and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 1091, a bill to provide for the striking of medals in commemoration of the bicentennial of the U.S. Coast Guard.

S. 1107

At the request of Mr. SIMON, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 1107, a bill to provide education, training, employment, and related services to displaced homemakers, and for other purposes.

S. 1150

At the request of Mr. CONRAD, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 1150, a bill to provide for the payment by the Secretary of the Interior of undedicated receipts into the refuge revenue sharing fund.

S. 1200

At the request of Mr. CONRAD, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 1200, a bill to implement a national comprehensive plan management program that will protect our environment by controlling or con-

taining undesirable plant species on Federal lands.

S. 1216

At the request of Mr. SIMON, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 1216, a bill to amend the National Labor Relations Act to give employers and performers in the live performing arts, rights given by section 8(e) of such act to employers and employees in similarily situated industries, to give to such employers and performers the same rights given by sections 8(f) of such act to employers and employees in the construction industry, and for other purposes.

S. 1243

At the request of Mr. CRANSTON, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 1243, a bill to amend title 38, United States Code, to establish a retirement and survivor benefit program for judges of the new U.S. Court of Veterans Appeals, and for other purposes.

S. 1300

At the request of Mr. HATCH, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1300, a bill to amend the Job Training Partnership Act to improve the delivery of services to hard-to-serve youth and adults, to establish the Youth Opportunities Unlimited Program, and for other purposes.

S. 1312

At the request of Mr. KERRY, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 1312, a bill to improve the ability of States and localities impacted by narcotics-related crime to monitor, track, and prosecute major narcotics offenders, money launderers, and youth gangs involved in narcotics activity by improving intelligence regarding narcotics trafficking and money laundering operations.

SENATE JOINT RESOLUTION 12

At the request of Mr. THURMOND, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of Senate Joint Resolution 12, a joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget.

SENATE JOINT RESOLUTION 59

At the request of Mr. WIRTH the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Joint Resolution 59, a joint resolution designating January 19, 1990 as "National Skiing Day."

SENATE JOINT RESOLUTION 86

At the request of Mr. RIEGLE, the names of the Senator from Wisconsin [Mr. KOHL], the Senator from Washington [Mr. ADAMS], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of Senate Joint Resolution 86, a joint resolution designating November 17, 1989, as "National Philanthropy Day."

SENATE JOINT RESOLUTION 131

At the request of Mr. DURENBERGER, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Joint Resolution 131, a joint resolution to designate November 1989 as "National Diabetes Month."

SENATE JOINT RESOLUTION 164

At the request of Mr. NICKLES, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Joint Resolution 164, a joint resolution designating 1990 as the "International Year of Bible Reading."

SENATE CONCURRENT RESOLUTION 52

At the request of Mr. HATFIELD, the names of the Senator from Utah [Mr. GARN], the Senator from Arkansas [Mr. PRYOR], the Senator from Vermont [Mr. JEFFORDS], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of Senate Concurrent Resolution 52, a concurrent resolution to express the sense of the Congress that science, mathematics, and technology education should be a national priority.

SENATE RESOLUTION 136

At the request of Mr. CONRAD, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of Senate Resolution 136, a resolution to express the sense of the Senate that the Committee on Appropriations should make the full appropriations authorized for carrying out programs for assessment and mitigation of radon under the Toxic Substances Control Act.

SENATE RESOLUTION 154

At the request of Mr. HEINZ, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Resolution 154, a resolution expressing the sense of the Senate on the agreement to be signed between the Government of the United States and the Government of the Republic of Korea to coproduce the "Korean Fighter Program" [KFP].

AMENDMENT NO. 253

At the request of Mr. D'AMATO, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of amendment No. 253 intended to be proposed to S. 1160, an original bill to authorize appropriations for fiscal year 1990 for the Department of State, the U.S. Information Agency, the board for International Broadcasting, and for other purposes.

AMENDMENT NO. 258

At the request of Mr. D'AMATO, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of amendment No. 258 proposed to S. 358, a bill to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States, and to provide for administrative naturalization, and for other purposes.

SENATE RESOLUTION 155—ESTABLISHING A SPECIAL COMMITTEE OF THE SENATE TO PROVIDE OVERSIGHT AND GUIDANCE WITH RESPECT TO RESPONSIBILITIES OF THE DIRECTOR OF NATIONAL DRUG CONTROL POLICY

Mr. LOTT submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 155

Resolved,

SECTION 1. ESTABLISHMENT OF THE SPECIAL COMMITTEE.

(a) ESTABLISHMENT.—(1) There is established a temporary special committee of the Senate to be known as the Special Committee on National Drug Control Policy (hereafter in this resolution referred to as the "special committee"). The special committee shall be composed of 10 members appointed by the President pro tempore from the recommendations of the Majority Leader and the Minority Leader. Five members shall be appointed from the majority party and 5 members shall be appointed from the minority party.

(2) The President pro tempore shall designate a member of the special committee recommended by the Majority Leader to serve as chairman.

(b) QUORUM, VACANCIES, AND RULES.—(1) A majority of the members of the special committee shall constitute a quorum for the transaction of business, except that the special committee may fix a lesser number as a quorum for the purpose of taking testimony.

(2) Vacancies in the membership of the special committee shall not affect the authority of the remaining members to execute the functions of the committee, and shall be filled in the same manner as original appointments are made.

(3) The special committee shall adopt rules of procedure not inconsistent with the rules of the Senate government standing committees of the Senate.

(c) SUBCOMMITTEES.—The chairman may establish such subcommittees of the special committee as he considers appropriate, but each such subcommittee shall be composed of not less than 4 members.

(d) SERVICE ON OTHER COMMITTEES.—Service of a Senator as a member or as chairman of the special committee shall not be taken into account for the purpose of paragraph 6 of rule XXV of the Standing Rules of the Senate.

SEC. 2. DUTIES OF SPECIAL COMMITTEE.

(a) IN GENERAL.—It shall be the function and duty of the special committee to provide oversight and guidance to the Director of National Drug Control Policy with respect to the Director's responsibility for—

(1) the development and submission of a National Drug Control Strategy; and

(2) the submission of a National Drug Control Program Budget with the annual budget request of the President.

(b) NO LEGISLATIVE JURISDICTION.—No proposed legislation shall be referred to the special committee, and such committee shall not have the power to report by bill or otherwise have any legislative jurisdiction.

SEC. 3. FINAL REPORT.

After November 18, 1993, and the submission of a final report, the special committee shall have 30 days to close its affairs, and on the expiration of such 30-day period cease to exist.

SEC. 4. AUTHORITY OF SPECIAL COMMITTEE.

(a) IN GENERAL.—For the purposes of this resolution, the special committee is authorized, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel;

(3) to hold hearings;

(4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate;

(5) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents;

(6) to take depositions and other testimony;

(7) to procure the services of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, as amended; and

(8) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) USE OF OTHER COMMITTEES SERVICES.—With the consent of the chairman of any other committee of the Senate, the special committee may utilize the facilities and the services of the staff of such other committee of the Senate, or any subcommittee thereof, whenever the chairman of the special committee determines that such action is necessary and appropriate.

(c) OATHS.—The chairman of the special committee or any member thereof may administer oaths to witnesses.

(d) SUBPOENAS.—Subpoenas authorized by the special committee may be issued over the signature of the chairman or any member of the special committee designated by the chairman, and may be served by any person designated by the member signing the subpoena.

SEC. 5. EXPENSES.

Expenses of the special committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the special committee, except that vouchers shall not be required for the disbursement of salaries of employees paid an annual rate. Such expenses shall not exceed $, of which amount not to exceed $ shall be available for the procurement of the services of individual consultants, or organizations thereof, as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended.

Mr. LOTT. Mr. President, last year Congress created a drug czar to oversee and coordinate all aspects of the war against drugs. And that was good. In fact, I thought it was long overdue and I think now our new drug czar is making progress. He is about to report to the Congress.

The job was created to make certain that all agencies in the executive branch are working together and to identify one person who is in charge, so that we will not have a conflict between a number of departments and agencies.

Now the drug czar is in place and working feverishly to establish a new office, coordinate all aspects of the drug war, and write a report that Congress mandated he send to Congress 180 days after his confirmation.

When Mr. Bennett sends his first strategy to Congress, who is in charge? Which of the over 23 committees and subcommittees has prime jurisdiction and to whom is the drug czar responsible for oversight and legislative authority?

In short, who is in charge in Congress?

First, if Bill Bennett began testifying before every committee and subcommittee the week after the strategy is due—September 5—he would still be testifying way into 1990 on the first strategy—long after the second strategy is due in February of next year when the President's budget comes up to Congress.

Second, the 1988 drug law states that in developing each strategy the drug czar shall consult with Members of Congress. With whom does he consult? Is it possible for him to consult with the members of 80 committees and subcommittees between the time the first strategy is sent to Congress and the second strategy is due?

Third, who is in charge? Take the example of drugs being smuggled into the United States. First, the United States tries to eradicate the crops, which is the business of the Foreign Relations Committee.

The Drug Enforcement Agency [DEA] then tries to destroy the cocaine laboratory where the drugs are processed, and the issue becomes one for the Judiciary Committee.

Then the smuggler flies out of the country and is tracked by an intelligence agency, which concerns the Intelligence Committee. From there he would fly over the ocean where Armed Services [Navy], Commerce [Coast Guard], and Finance [Customs] would take an interest.

Once the smuggler entered the United States, if he were to fly into a national forest, the Energy and Natural Resources Committee would take an interest; if U.S. currency were involved in the operation, the Banking Committee would have some jurisdiction; and, as a general matter, Governmental Affairs could get involved at any stage of the process. And, of course, Appropriations will be involved at every stage of this process.

You see my point. In other words, who would the drug czar testify before? How many would he testify before?

So I think it is time we ask a question of ourselves now: Who is in charge of the Congress? We need to deal with this problem and limit the amount of time that this important man and this important position spends testifying.

So today I am introducing legislation which would create in the Senate a special committee to provide oversight and guidance to our drug czar in his capacity in dealing with the drugs of this country.

AMENDMENTS SUBMITTED

FOREIGN ASSISTANCE AUTHORIZATION ACT

HELMS (AND PELL) AMENDMENT NO. 284

Mr. HELMS (for himself and Mr. PELL) proposed an amendment to the bill (S. 1160) to authorize appropriations for fiscal year 1990 for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, and for other purposes, as follows:

At the appropriate place in the bill insert the following

SEC. . POLICY TOWARD THE FUTURE OF TIBET.

(a) FINDINGS.—The Congress finds that—

(1) Beginning October 7, 1950 the Chinese Communist army invaded and occupied Tibet;

(2) The Government of the People's Republic of China declared martial law in Lhasa and other parts of Tibet on March 7, 1989;

(3) Tibet has been closed to foreigners, including representatives of the international press and international human rights organizations; and

(4) As part of an organized system of repression in Tibet scores of persons have been imprisoned for their beliefs;

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the Government of the People's Republic of China should immediately lift martial law in Tibet and release all political prisoners; and,

(2) the Government of the People's Republic of China should enter into negotiations with representatives of the Dalai Lama on a settlement of the Tibetan question.

PELL (AND OTHERS) AMENDMENT NO. 285

Mr. PELL (for himself, Mr. LIEBERMAN, Mr. HELMS, Mr. CRANSTON, and Mr. KENNEDY), proposed an amendment to the bill S. 1160, supra, as follows:

At the appropriate place in the bill insert the following

SEC. . POLICY TOWARD THE FUTURE OF TAIWAN.

(a) FINDINGS.—The Congress finds that—

(1) although peace has prevailed in the Taiwan Strait for the past decade, on June

4, 1989, the Government of the People's Republic of China showed its willingness to use force against the Chinese people who were demonstrating peacefully for democracy; and

(2) in the Taiwan Relations Act, the United States made clear that its decision to enter into diplomatic relations with the People's Republic of China rested upon the expectation that the future of Taiwan would be determined by peaceful means.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the future of Taiwan should be settled peacefully, free from coercion, and in a manner acceptable to the people on Taiwan; and

(2) good relations between the United States and the People's Republic of China depend upon the Chinese authorities' willingness to refrain from the use or the threat of force in resolving Taiwan's future.

MURKOWSKI (AND OTHERS) AMENDMENT NO. 286

Mr. MURKOWSKI (for himself, Mr. STEVENS, Mr. HOLLINGS, Mr. HATFIELD, Mr. PACKWOOD, Mr. ADAMS, Mr. GORTON, Mr. KERRY, Mr. HELMS, and Mr. D'AMATO) proposed an amendment to the bill S. 1160, supra, as follows:

On page 143, beginning with line 6, strike out all through line 20 on page 144 and insert in lieu thereof the following:

(1) fisheries currently conducted in the international waters of the North Pacific Ocean, including the Bering Sea, by foreign vessels using long plastic driftnets result in the entanglement and death of enormous numbers of both target and non-target marine resources;

(2) the losses of valued non-target species in such fisheries may reach tens of thousand of marine mammals, hundreds of thousands of seabirds, millions of salmonids, and unknown numbers of other species;

(3) the salmon and steelhead trout intercepted in such fisheries are commercially and recreationally valuable anadromous species, and include large numbers of fish from stocks that spawn in the waters of the United States, and that remain under United States jurisdiction while in waters outside the exclusive economic zone and territorial sea of any nation;

(4) the unauthorized taking of anadromous species subject to the jurisdiction of the United States is unlawful;

(5) the efficiency with which driftnets intercept and harvest large numbers of salmon and steelhead trout has encouraged the development of international trading in fish taken illegally in driftnet fisheries on the high seas;

(6) economic losses to the citizens of the United States from such illegal fishing and fish marketing are estimated to be as much as several hundred million dollars annually;

(7) the Congress has demonstrated its deep concern about the effects of driftnet fisheries by the passage of the Driftnet Impact Monitoring, Assessment and Control Act of 1987 (16 U.S.C. 1822 note), often called "the Driftnet Act";

(8) the Driftnet Act called upon the Secretary of Commerce, through the Secretary of State and in consultation with the Secretary of the Interior, to negotiate agreements with each foreign government that permits its nationals to engage in driftnet fishing which results in the taking of marine resources of the United States on the high seas;

(9) the Driftnet Act required that such agreements provide for statistically reliable monitoring and assessment of the numbers of marine resources of the United States killed by driftnet vessels, and for certain measures necessary for effective enforcement of applicable laws, regulations, and agreements;

(10) an agreement has been negotiated with the Government of Japan;

(11) many individuals and interest groups in the United States have expressed grave doubts about the ability of the agreement negotiated with the Government of Japan to meet the requirements of the Driftnet Act in a number of important respects, including statistically reliable monitoring and effective enforcement.

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

(1) the agreement with the Government of Japan should be interpreted to ensure at a minimum that, for the 1990 fishing season:

(A) an electronic position-indicating and vessel-identification device will be installed and operating aboard all Japanese vessels which fish with driftnets in the North Pacific Ocean outside the exclusive economic zone or territorial sea of any nation, including, but not limited to, the vessels of the squid-fishing, large-mesh, land-based salmon, and mothership-based salmon driftnet fleets; and

(B) a sufficient number of observers will be placed aboard vessels of each driftnet fleet to ensure the collection of statistically reliable data on the numbers of marine resources of the United States killed by the vessels of each fleet.

MURKOWSKI (AND D'AMATO) AMENDMENT NO. 287

Mr. MURKOWSKI (for himself and Mr. D'AMATO) proposed an amendment to the bill S. 1160, supra, as follows:

At the end of the bill, add the following new section:

SEC. 915. INCREASING AMOUNT OF REWARDS FOR COMBATTING TERRORISM.

Section 36(c) of the State Department Basic Authorities Act of 1956 is amended by striking out "$500,000" and inserting in lieu thereof "$2,000,000".

D'AMATO (AND OTHERS) AMENDMENT NO. 288

Mr. D'AMATO (for himself, Mr. MOYNIHAN, Mr. GRASSLEY, Mr. SPECTER, Mr. REID, Mr. DIXON, Mr. BYRD, Mr. MACK, Mr. HEINZ, Mr. PRESSLER, Mr. MURKOWSKI, Mr. HELMS, Mr. SIMON, and Mr. ROTH) proposed an amendment to the bill S. 1160, supra, as follows:

SEC. . Section 404 of title IV—general provisons, of the Dire Emergency Supplemental Appropriations and Transfers, Urgent Supplementals, and Correcting Enrollment Errors Act of 1989 (Public Law 101-45) is repealed.

GORE AMENDMENT NO. 289

Mr. GORE proposed an amendment to the bill S. 1160, supra, as follows:

At the appropriate place, insert:

"It is the sense of the Senate that the President should limit political appointments to the position of United States Ambassador to 30 percent, as a means to promote professionalism in American diplomacy. It is the further sense of the Senate that the President should establish a bipartisan review board for the purpose of prescreening all potential nominees for the post of ambassador, and that the members of such a board should be selected in consultation with Senate leadership of both parties.".

GORE AMENDMENT NO. 290

Mr. GORE proposed an amendment to the bill S. 1160, supra, as follows:

At the appropriate place, place insert: "is the sense of the Senate that the President should limit political appointments to the position of United States Ambassador to 30 percent, as a means to promote professionalism in American diplomacy.".

PELL (AND OTHERS) AMENDMENT NO. 291

Mr. PELL (for himself, Mr. SIMON, Mr. LEVIN, Mr. PRESSLER, Mr. CHAFEE, Mr. BUMPERS, Mr. MCCAIN, Mr. WILSON, and Mr. DOLE) proposed an amendment to the bill S. 1160, supra, as follows:

SUPPORT FOR THE PEOPLE OF SOVIET ARMENIA

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the people of the United States have strong historical and cultural ties with the people of Armenia;

(2) the Armenian people have been subjected to ethnic discrimination, cultural oppression and economic adversity;

(3) portions of Armenia were totally devastated by a massive earthquake on December 7, 1988, where, according to official Soviet reports, more than 25,000 Armenians were killed, more than 100,000 were injured, more than 500,000 were left homeless, and tens of thousands of children were orphaned;

(4) the Government and the people of the United States strengthened their commitment to Armenia by assisting in the immediate relief effort and in the overall reconstruction of those areas affected by the earthquake;

(5) in the face of such hardship and adversity, the Armenian people continue to exhibit their strong will and resilience;

(6) the current status of the region of Nagorno-Karabagh is a matter of concern and contention for the people of the Armenian and Azerbaijani Soviet Republics;

(7) the Soviet Government has termed the killings of Armenians on February 28-29, 1988 * * *

(8) the Special Administrative Committee set up by the Soviet Government to stabilize the Nagorno-Karabagh region has proven ineffective in that mission, giving rise to further dissatisfaction among the Karabagh Armenians, who constitute the overwhelming majority in the region;

(9) the Karabagh Committee, spokespersons for the popular movement in Armenia, had been jailed for nearly six months before their release on May 31, 1989; and

(10) continued discrimination against Karabagh Armenians and the uncertainty about Nagorno-Karabagh have led to massive

demonstrations and unrest in this area that are continuing to this day.

SENSE OF THE CONGRESS.—it is the sense of the Senate that the United States should—

(1) continue to support and encourage the reconstruction effort in Armenia;

(2) encourage Soviet President Gorbachev to continue a dialogue with the Armenian representatives to the Soviet Congress of People's Deputies;

(3) encourage Soviet President Gorbachev to engage in meaningful discussions with elected representatives of the people of Nagorno-Karabagh regarding their demands of reunification with the Armenian homeland and with the leadership of Armenia's pro-democracy popular movement which includes the recently released Karabagh Committee;

(4) promote in its bilateral discussions with the Soviet Union, an equitable settlement to the dispute over Nagorno-Karabagh, which fairly reflects the views of the people of the region; and

(5) urge in its bilateral discussions with the Soviet Union, that investigations of the violence against Armenians be conducted at the highest level of the Soviet judiciary, and that those responsible for the killing and bloodshed be identified and prosecuted.

ADAMS AMENDMENT NO. 292

Mr. PELL (for Mr. ADAMS) proposed an amendment to the bill S. 1160, supra, as follows:

On page 28, between lines 5 and 6 insert the following new section:

SEC. 127. ENHANCEMENT OF EVACUATION CAPABILITY.

(a) Section of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4801(b)) is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by redesignating paragraph (5) as paragraph (6);

(3) by inserting after paragraph (4) the following new paragraph:

"(5) to set forth the responsibility of the Secretary of State with respect to the safe and efficient evacuation of United States Government personnel, their dependents and private United States citizens when their lives are endangered by war, civil unrest, or natural disaster; and"

(b) Section of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4802) is amended—

(1) by redesignating paragraphs (b) and (c) as paragraphs (c) and (d) respectively;

(2) by inserting after paragraph (a) the following new paragraph:

"(b) OVERSEAS EVACUATION.—The Secretary of State shall develop and implement policies and programs to provide for the safe and efficient evacuation of United States Government personnel, dependents and private Untied States citizens when their lives are endangered. Such policies shall include measures to identify high risk areas where evacuation may be necessary and, where appropriate, providing staff to United States Government missions abroad to assist in those evacuations. In carrying out these responsibilities, the Secretary shall:

(1) develop a model contingency plan for evacuation of personnel, dependents and United States citizens from foreign countries;

(2) develop a mechanism whereby American citizens can voluntarily request to be placed on a list in order to be contacted in the event of an evacuation or which, in the event of an evacuation, can maintain information on the location of American citizens in high-risk areas submitted by their relatives.

(3) assess the transportation and communications resources in the area being evacuated and determine the logistic support needed for the evacuation; and

(4) develop a plan for coordinating communications between embassy staff, Department of State personnel and families of United States citizens abroad regarding the whereabouts of those citizens."

CRANSTON AMENDMENT NO. 293

Mr. PELL (for Mr. CRANSTON) proposed an amendment to the bill S. 1160, supra, as follows:

Add to end of bill S. 1160:

SEC. . IMPORTATION OF CERTAIN DEFENSE ARTICLES FROM POLAND AND HUNGARY.

(a) PERMISSIBLE IMPORTS.—The authorities of section 38 of the Defense Trade and Export Control Act may not be used to prohibit the importation into the United States, by a museum or educational institution described in subsection (b), of any defense article from Hungary or Poland if it-

(1) was manufactured at least 25 years before its importation into the United States;

(2) was imported into the United States before June 30, 1989;

(3) has been disabled so that no weapon or weapons system is functional; and

(4) is used only for display to the public by the museum or educational institution, for educational purposes.

(b) QUALIFIED MUSEUMS AND EDUCATIONAL INSTITUTIONS.—Subsection (a) applies only to a museum or educational institution that is described in section 501(c)(3) of the Internal revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(c) DEFINITION.—For purposes of this section, the term "defense article" means a defense article designated under section 38(a) of the Defense Trade and Export Control Act.

MOYNIHAN AMENDMENT NO. 294

Mr. PELL (for Mr. MOYNIHAN) proposed an amendment to the bill S. 1160, supra, as follows:

On page 71, line 8, insert "AND BURMESE" after "TIBETANS".

On page 71, line 11, after "Tibet" insert ", and not less than 15 scholarships shall be made available to Burmese students and professionals who are outside Burma".

On page 93, between lines 19 and 20, insert the following:

(g) ALLOCATION OF FUNDS.—Of the amounts authorized to be appropriated by section 104 for the Department of State for "Migration and Refugee Assistance", $250,000 shall be available only for assistance to displaced Burmese in India and Thailand.

On page 94, between lines 5 and 6, insert the following new section:

SEC. 504. REPORT REGARDING BURMESE STUDENTS.

(a) The Attorney General, in consultation with the Secretary of State, shall report to the Committees on Foreign Relations and Judiciary of the Senate within 30 days after the date of enactment of this Act on the immigration policy of the United States regarding Burmese pro-democracy protesters who have fled from the military government of Burma and are now located in border camps or inside Thailand. Specifically, the report shall include—

(1) a description of the number and location of such persons in border camps in Burma, inside Thailand, and in third countries;

(2) the number of visas, parole applications, and approvals for such persons by United States authorities, and precedents for increasing such visa and parole applications in such circumstances;

(3) the immigration policy of Thailand and other countries from which such persons have sought immigration assistance;

(4) the involvement of international organizations, such as the United Nations High Commission for Refugees, in meeting the residency needs of such persons; and

(5) the involvement of the United States, other countries, and international organziations in meeting the humanitarian needs of such persons.

(b) The Attorney General shall recommend in the report any legislative changes he deems appropriate to meet the asylum, refugee, parole, or visa status needs of such persons.

(c) As used in this seciton, the term "pro-democracy protester" means any person who has fled from the current military regime of Burma since the outbreak of pro-democracy demonstrations in Burma in 1988.

At the end of the bill, add the following new section:

SEC. 915. EXPRESSING THE SUPPORT OF THE CONGRESS FOR FREE AND FAIR ELECTIONS IN BURMA.

(a) FINDINGS.—The Congress finds that—

(1) General Ne Win overthrew a democratically elected government in 1962, and established the Burma Socialist Program Party which ruled Burma until September 1988, when it was replaced by a military junta which continues to rule Burma;

(2) the Government of Burma has followed the "Burmese Road to Socialism" from 1962 until April 1989, a policy which has resulted in the indiscriminate seizure of private property, the demonetization of currency, and economic hardship for the Burmese people;

(3) on July 23, 1988, General Ne Win, called for a transition to a multi-party system of government;

(4) on July 27, General Sein Lwin became President of Burma, and popular demonstrations erupted throughout the country against his rule and his rejection of a referendum on a multi-party system of government;

(5) on August 3, 1988, General Sein Lwin declared martial law in Burma, imposing a curfew, press censorship, closing schools, and banning meetings of more than 5 persons;

(6) on August 8, 1988, the Burmese Army opened fire on peaceful demonstrators in Rangoon and other cities, killing many hundreds of persons;

(7) on August 11, 1988, the Senate unanimously adopted Senate Resolution 464, condemning the Government of Burma for gross human rights violations;

(8) on September 7, 1988, the House of Representatives unanimously adopted House Resolution 529, urging the restoration of democratic government in Burma;

(9) on September 18, 1988, General Saw Maung took power in Burma, establishing a military junta and ordering the Burmese

Army to kill many hundreds of additional peaceful protesters, until such protests were forcibly halted;

(10) the United States, Canada, the European Community, Australia, and Japan, have withheld aid from the Government of Burma to protest the gross violations of human rights and to urge political and economic reform;

(11) on February 28, 1989, the President decertified Burma as a nation taking adequate steps to control narcotics trafficking;

(12) the United Nations Human Rights Commission adopted a resolution on March 8, 1989, expressing concern about human rights violations in Burma;

(13) on April 13, 1989, the President suspended trade benefits for Burma under the Generalized System of Preferences program because of worker rights violations;

(14) approximately 6,000 protesters, students, monks, and other civilians, sought refuge in the border camps of the National Democratic Front which represents ethnic minority insurgents, and in Thailand and India;

(15) Amnesty International has reported that the Government of Burma continues to arrest, torture, and kill civilian opponents;

(16) in May 1989 the Government of Burma refused an offer from the Government of Thailand to mediate an end to the civil war with the Democratic Alliance of Burma, which represents the ethnic minorities and the armed Burman opposition;

(17) the Government of Burma announced in February 1989 that elections would be held by May 1990, but has refused offers of electoral assistance planning from Thailand and rejected foreign observers;

(18) martial law remains in effect and opposition parties are prevented from feely organizing for elections, and Daw Aung San Suu Kyi of the National League for Democracy has been subject to harassment, arrest, and threats of death by the Government of Burma and the Burmese Army.

(b) POLICY.—In recognition of the violence and denial of human rights in Burma and the need for free and fair elections, the Congress—

(1) condemns the continued killings, torture, arrests, and denial of human and civil rights by the Government of Burma, and calls for an immediate halt to them;

(2) expresses its support for an end to martial law in Burma, for free and fair elections to be held before the end of May 1990, and for the transfer of power to an elected civilian government;

(3) calls upon all nations to withhold assistance to the Government of Burma until a democratic government assumes power in Burma;

(4) voices its strong support for the people of Burma and its admiration for their courage;

(5) urges an end to the civil war in Burma; and

(6) calls upon the President, the Vice President, the Secretary of State, the United States Ambassador to Burma, and the United States Permanent Representative to the United Nations to—

(A) publicly condemn the killings, torture, and arrests that continue in Burma;

(B) encourage the restoration of democracy and free and fair elections by May 1990, including the provision for international observers for such elections;

(C) continue to withhold all assistance to the Government of Burma until the holding of free and fair elections and the restoration of democracy, and urge all other nations to do the same;

(D) seek a mediated end to the civil war in Burma, including the involvement of the United Nations, the countries of the Association of Southeast Asian Nations, and other interested parties; and

(E) provide humanitarian resettlement assistance to the refugees from Burma now in Thailand and India.

MACK (AND OTHERS) AMENDMENT NO. 295

Mr. MACK (for himself, Mr. GRAHAM, Mr. DOLE, and Mr. D'AMATO) proposed an amendment to the bill S. 1160, supra, as follows:

On page 145, after line 22, add the following new section:

SEC. 915. POLICY TOWARD CUBA.

It is the sense of Congress that—

(1) after 30 years, Fidel Castro has failed to recognize the basic human rights, aspirations, and freedoms of the Cuban people;

(2) oppressive government policies and economic mismanagement have increased the suffering and hardship on the people of Cuba;

(3) The Cuban people should be allowed to express their view on their country's political future, that the Cuban Communist Party should permit a plebiscite, by a secret "yes/no" ballot, of the people's approval or rejection of Castro's continued rule;

(4) in order to guarantee an open and honest plebiscite, the Government of Cuba should meet the following conditions—

(A) allow opposition and human rights groups to organize publicly and repeal all laws curtailing freedom of expression and of assembly;

(B) grant all opposition groups equal access to national press, radio, and television media;

(C) release all political prisoners; and

(D) invite a neutral, international commission to oversee the voting and ensure the legitimacy of the results;

(5) should the "no" vote on Castro's rule prevail, the regime would respect the will of the people, initiate a period of democratic openness, and hold prompt national elections through which the Cuban people would freely choose their leaders; and

(6) normalized relations between the Governments of the United States and Cuba should one day be restored, and that a democratic Cuban Government elected by all the people must be an essential condition for such normalization.

On page 5, in the table of contents, after the item relating to section 914, add the following new item:

"Sec. 915. Policy toward Cuba.".

McCONNELL (AND OTHERS) AMENDMENT NO. 296

Mr. McCONNELL (for himself, Mr. BYRD, Mr. ROCKEFELLER, and Mr. METZENBAUM) proposed an amendment to the bill S. 1160, supra, as follows:

Insert where appropriate:

The President shall provide a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Reprsentatives within ninety days of enactment of this legislation which will identify, inventory and analyze clean coal technologies export programs within United States Government agencies including the Department of State, Commerce, and Energy and at the Export-Import Bank and the Overseas Private Investment Corporation. The study shall address the effectiveness of interagency coordination of export promotion and determine the feasibility of establishing an interagency commission for the purpose of promoting the export and use of clean coal technologies.

WALLOP (AND OTHERS) AMENDMENT NO. 297

Mr. WALLOP (for himself, Mr. DOMENICI, Mr. DIXON, Mr. WILSON, Mr. SYMMS, Mr. BURNS, Mrs. KASSEBAUM, Mr. DECONCINI, Mr. DODD, Mr. SIMON, Mr. D'AMATO, Mr. MACK, Mr. ROCKEFELLER, Mr. HUMPHREY, Mr. BAUCUS, Mr. BURDICK, Mr. HEINZ, Mr. MOYNIHAN, Mr. WIRTH, Mr. MCCLURE, Mr. GARN, Mr. RIEGLE, Mr. WARNER, Mr. MCCAIN, Mr. GRASSLEY, Mr. MURKOWSKI, and Mr. DURENBERGER) proposed an amendment to the bill S. 1160, supra, as follows:

SEC. 915. TIANANMEN SQUARE PARK AUTHORIZATION.

(a) FINDINGS.—The Congress finds that—

(1) in April and May of 1989, Chinese students began hunger strikes and peaceful demonstrations in Beijing's Tiananmen Square to commemorate the seventieth anniversary of the May 19, 1919, student movement; these students demanded fundamental civil liberties such as those found in the United States Bill of Rights;

(2) Americans stand for certain timeless values that transcend political and national boundaries, among these principles is the American belief in the sanctity of human life and the inviolability of individual rights and freedom;

(3) hundreds of thousands of Chinese took to the streets throughout China in support of the ideals and aspirations expressed by the students;

(4) the Chinese students erected a version of the Statue of Liberty in Tiananmen Square to express their fervent desire to bring democracy and freedom to their country;

(5) the American people share the aspirations of all those around the world who struggle to win respect for these fundamental principles;

(6) when the pursuit of these ideals results in the shedding of innocent blood and the destruction of young lives, all Americans feel a profound sense of loss and an equally great sense of outrage;

(7) the Communist regime in Beijing, unjustly and unprovoked, brutally slaughtered thousands of citizens engaged in peaceful demonstrations;

(8) our Nation mourns for the families and loved ones of those killed in China;

(9) despite the outrageous brutality of elements of the Chinese Army in massacring unarmed, peaceful protestors, the Chinese leadership, including Communist Party leaders Deng Xiaping and Li Peng, have publicly commended the actions of the Chinese Army;

(10) since the massacre in Tiananmen Square, the Communist regime in Beijing has been engaged in the systematic arrest and detention of Chinese students and other dissidents allegedly involved in the demonstrations;

(11) there have been dozens of rallies across the United States in support of the Chinese students, including a demonstration held across the street from the Embassy of

the People's Republic of China involving more than 2,000 protestors;

(12) at this protest a twenty foot replica of the Statute of Liberty was erected in a small park across the street from the embassy in honor of those students who lost their lives while demonstrating for greater political and economic freedom;

(13) a wreath was placed beneath the bright torch of the original Statute of Liberty to mourn the world's most recent heroes in the universal struggle for freedom and democracy; and

(14) the Communist regime in Beijing continues to deny the existence of any mass demonstration, deny Chinese troops ever fired into groups of protestors, and deny that anyone other than soldiers and innocent bystanders were killed.

(b) DESIGNATION.—The park located in front of the Embassy of the People's Republic of China at the northwest corner of Connecticut Avenue and Kalorama Road in the District of Columbia, designated Reservation No. 303A and Reservation No. 303B by the National Park Service, shall be designated and known as the "Tiananmen Square Park".

(c) LEGAL REFERENCES.—Any reference in any law, regulation, document record, map, or other record of the United States or the District of Columbia to the park referred to in subsection (b) is deemed to be reference to the "Tiananmen Square Park". Such designation shall expire three years from the date of enactment of this Act unless terminated earlier by the Secretary of the Interior.

On page 5, in the table of contents, after the item relating to section 914, add the following new item:

"Sec. 915. Tiananmen Square Park authorization."

PELL AMENDMENT NO. 298

Mr. PELL proposed an amendment to amendment No. 297 proposed by Mr. WALLOP to the bill S. 1160, supra, as follows:

At the end of the bill, insert:

(d) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the National Park Service should support public initiatives to raise private funds to place a replica of the Chinese students' Statute of Democracy on the redesignated "Tiananmen Square Park;" and

(2) such a memorial should be dedicated to the Chinese students and workers who have lost their lives in the struggle for democracy.

(e) RECEIPT OF PRIVATE FUNDS.—The National Park Service is authorized to accept donations of private funds for purposes of subsection (d)(1).

WIRTH AMENDMENT NO. 299

Mr. WIRTH proposed an amendment to the bill S. 1160, supra, as follows:

At the appropriate place insert:

"Not later than 90 days after the enactment of this Act, the Director of the United States Information Agency shall provide a detailed report to the Chairman of the Foreign Relations Committee of the Senate and the Speaker of the House of Representatives describing all programming material acquired by the United States Information Agency in fiscal year 1988 and fiscal year 1989 from public television and radio entities, including a description of how such program material was utilized by the United States Information Agency, in whole or in part, in original or edited form. Further, the Director of the United States Information Agency shall include in such report a description of projected United States Information Agency use of programming material acquired for public television and radio entities through fiscal year 1992.".

HELMS AMENDMENT NO. 300

Mr. HELMS proposed an amendment to amendment No. 299 proposed by Mr. WIRTH to the bill S. 1160, supra, as follows:

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

On page 55, line 15, strike "$36,000,000" and insert in lieu thereof "$71,000,000".

KENNEDY (AND OTHERS) AMENDMENT NO. 301

Mr. KENNEDY (for himself, Mr. PELL, Mr. MOYNIHAN, and Ms. MIKULSKI) proposed an amendment to the bill S. 1160, supra; as follows:

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

SEC. . Findings.

(1) It is the policy of the United States to support and promote democratic values and institutions around the world.

(2) Over the last decade, the United States, in concert with other nations, has provided support to those working for democracy in many nations throughout the world.

(3) Such support has advanced the cause of freedom and democracy in those nations by providing international technical expertise on holding free and fair elections, providing international observers to document the conduct of the elections and in offering economic and humanitarian support to newly established democracies.

(4) On June 8, 1989, at the commencement ceremonies at Harvard University, the newest leader of a democratic nation, Prime Minister Benazir Bhutto of Pakistan, called for the establishment of an Association of Democratic Nations to support the right of peoples everywhere to choose freely their own government.

(5) The goals of the Association would be to promote:

(a) the holding of elections at regular intervals which are open to the participation of all significant political parties, which are fairly administered, and in which the franchise is broad or universal;

(b) respect for fundamental human rights including freedom of expression, freedom of conscience, and freedom of association.

(c) international recognition of legitimate elections through international election observer missions at all stages of the election, including the campaign, the voting and the ballot counting.

(d) the mobilization of international opinion and economic measures against the military overthrow of democratic governments.

(e) the provision of economic assistance to strengthen and support democratic nations.

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

(1) the proposal offered by Prime Minister Benazir Bhutto of Pakistan would further the cause of democracy, freedom and justice and is in the interest of the United States.

(2) the President of the United States should give serious consideration to the implementation of the proposal, and should provide by December 31, 1989, a report to Congress assessing the merits of and estimated annual costs of establishing such an Association of Democratic Nations.

BYRD (AND OTHERS) AMENDMENT NO. 302

Mr. BYRD (for himself, Mr. DANFORTH, Mr. DIXON, Mr. ROCKEFELLER, and Mr. BINGAMAN) proposed an amendment to the bill S. 1160, supra, as follows:

At the appropriate place in the bill, add the following new section:

SEC. . ASSIGNMENT OF COMMERCIAL OFFICERS TO THE UNITED STATES MISSION TO THE EUROPEAN COMMUNITY.

Within 90 days of enactment of this law, the United States Foreign and Commercial Service shall assign to the United States Mission to the European Community in Brussels no less than three commercial officers and other support staff as necessary.

DECONCINI (AND OTHERS) AMENDMENT NO. 303

Mr. DECONCINI (for himself, Mr. HELMS, Mr. D'AMATO, Mr. DIXON, Mr. LOTT, Mr. MACK, Mr. COATS, Mr. WILSON, and Mr. PRESSLER) proposed an amendment to the bill S. 1160, supra; as follows:

At the end of the bill, add the following:

SEC. 915. POLICY TOWARD THE CONTROL OF ILLEGAL DRUGS IN MEXICO.

(a) FINDINGS.—The Congress finds that—

(1) the Foreign Assistance Act of 1961 requires, except in cases of vital national interest, that all countries determined to be a major illicit drug producing country or a major drug-transit country must be "cooperating fully" with United States anti-narcotics activities in order to continue receiving various forms of United States foreign assistance;

(2) relations between the United States and Mexico have suffered since none of the suspects in the 1985 kidnapping and murder of Drug Enforcement Administration agent Enrique Camarena and the 1986 torture of DEA agent Victor Cortez have been brought to justice;

(3) testimony before the Senate dating to 1986 has indicated that high-ranking Mexican government, military, and law enforcement officials have been involved in illegal narcotics operations, including narcotics trafficking operations into the United States;

(4) Mexico has been determined to be the primary producer of marijuana and heroin entering the United States and the transit point for up to 50 percent of the cocaine being smuggled into this country.

(5) there have been three drug-related mass murders involving more than 30 victims along the southwest border in recent months involving Mexican drug trafficking organizations:

(6) the United States continues to seek, with Mexican cooperation, hot pursuit and over-flight authority for United States law enforcement agencies, access to bank records, verification of eradication figures, information on those who have been tried, charged, sentenced, and served time for narcotics-related crimes, and extradition of criminal figures;

(7) there was sworn in a new president and government of Mexico on December 1, 1988, creating a new era of opportunity for increased cooperation and mutual friendship;

(8) the new President of Mexico, Carlos Salinas de Gortari, has indicated a strong willingness to expand and improve Mexico's anti-narcotics activities;

(9) the Chief of the Mexico City Police Investigative Service, Miguel Nazar Haro, who is under indictment in the United States, has been fired;

(10) the Government of Mexico has arrested Miguel Angel Felix-Gallardo, one of the most notorious drug trafficking figures in Mexico;

(11) Mexican officials have for the first time conceded that corrupt Mexican officials, including law enforcement, government, and military officials, have previously protected Mr. Gallardo; and

(12) criminal charges of electoral fraud against the mayor of Hermosillo, Carlos Robles, and homicide and arms charges against the head of Mexico's Oil Workers Union, Joaquin Hernandez Galicia, have been filed.

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

(1) President Salinas should be supported in his expressed willingness to end the narcotics-related corruption that has permeated the Government of Mexico in the past;

(2) Mexico should conclude the prosecution of the murderers of Drug Enforcement Administration agent Camarena, the perpetrators of torture against DEA agent Cortez, and make progress in the prosecution of Felix-Gallardo;

(3) Mexico should demonstrate its commitment to cooperating fully in anti-narcotics activities by entering into negotiations with the United States on—

(A) joint over-flight and hot pursuit operations, involving Mexican law enforcement officials traveling on United States interdiction aircraft with Mexican officers having responsibility for actual arrests of suspects;

(B) participation of United States law enforcement agencies in air surveillance flights for interdiction efforts and joint United States-Mexico border enforcement and interdiction operations;

(C) United States requests for access to bank records to assist in carrying out narcotics-related investigations; and

(D) United States requests for verification of eradication statistics, including ground verification.

HELMS (AND PRESSLER) AMENDMENT NO. 304

Mr. HELMS (for himself and Mr. PRESSLER) proposed an amendment, which was subsequently modified, to amendment No. 303 proposed by Mr. DECONCINI (and others) to the bill S. 1160, supra, as follows:

Strike all after "SEC." and insert:

915. POLICY TOWARD THE CONTROL OF ILLEGAL DRUGS IN MEXICO.

(a) FINDINGS.—The Congress finds that—

(1) the Foreign Assistance Act of 1961 requires, except in cases of vital national interest, that all countries determined to be a major illicit drug producing country or a major drug-transit country must be "cooperating fully" with United States anti-narcotics activities in order to continue receiving various forms of United States foreign assistance:

(2) relations between the United States and Mexico have suffered since the 1985 kidnapping and murder of Drug Enforcement Administration agent Enrique Camarena and the 1986 torture of DEA agent Victor Cortez;

(3) testimony before the Senate dating to 1986 has indicated that high-ranking Mexican government, military, and law enforcement officials have been involved in illegal narcotics operations, including narcotics trafficking operations into the United States;

(4) Mexico has been determined to be the primary producer of marijuana and heroin entering the United States and the transit point for up to 50 percent of the cocaine being smuggled into the country;

(5) there have been three drug-related mass murders involving more than 30 victims along the southwest border in recent months involving Mexican drug trafficking organizations;

(6) the United States continues to seek, with Mexican cooperation, hot pursuit and over-flight authority for United States law enforcement agencies, access to bank records, verification of eradication figures, information on those who have been tried, charged, sentenced, and served time for narcotics-related crimes, and extradition of criminal figures;

(7) there was sworn in a new president and government of Mexico on December 1, 1988, creating a new era of opportunity for increased cooperation and mutual friendship;

(8) the new President of Mexico, Carlos Salinas de Gortari, has indicated a strong willingness to expand and improve Mexico's anti-narcotics activities;

(9) the Chief of the Mexico City Police Investigative Service, Miguel Nazar Haro, who is under indictment in the United States, has been fired;

(10) the Government of Mexico has arrested Miguel Angel Felix-Gallardo, one of the most notorious drug trafficking figures in Mexico;

(11) Mexican officials have for the first time conceded that corrupt Mexican officials, including law enforcement, government, and military officials, have previously protected Mr. Gallardo; and

(12) criminal charges of electoral fraud against the mayor of Hermosillo, Carlos Robles, and homicide and arms charges against the head of Mexico's Oil Workers Union, Joaquin Hernandez Galicia, have been filed.

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

(1) President Salinas should be supported in his expressed willingness to end the narcotics-related corruption that has permeated the Government of Mexico in the past;

(2) Mexico should conclude the prosecution of the murderers of Drug Enforcement Administration agent Camarena, the perpetrators of torture against DEA agent Cortez, and make progress in the prosecution of Felix-Gallardo;

(3) Mexico should demonstrate its commitment to cooperating fully in anti-narcotics activities by entering into negotiations with the United States on—

(A) joint over-flight and hot pursuit operations, involving Mexican law enforcement officials traveling on United States interdiction aircraft with Mexican officers having responsibility for actual arrests of suspects;

(B) participation of United States law enforcement agencies in air surveillance flights for interdiction efforts and joint United States-Mexico border enforcement and interdiction operations;

(C) United States requests for access to bank records to assist in carrying out narcotics-related investigations; and

(D) United States requests for verification of eradication statistics, including ground verification; and

(4) the people of Mexico should be supported in their efforts to rid their country of illicit narcotics, bribery and corruption, and electoral fraud.

HEINZ (AND OTHERS) AMENDMENT NO. 305

Mr. HEINZ (for himself, Mr. DIXON, Mr. BYRD, Mr. D'AMATO, Mr. FORD, Mr. BOREN, Mr. HELMS, Mr. SHELBY, Mr. CONRAD, and Mr. BRYAN) proposed an amendment to the bill S. 1160, supra, as follows:

On page 145, after line 22, add the following new section:

SEC. 915. POLICY TOWARD COPRODUCTION OF KOREAN FIGHTER PROGRAM.

(a) FINDINGS.—The Congress finds that—

(1) the United States has a large trade deficit with the Republic of Korea, more than $10 billion in 1988;

(2) the Government of the Republic of Korea has pledged to do its utmost to take appropriate measures to open its markets to United States industries in an effort to reduce its trade surplus with the United States;

(3) the Government of the Republic of Korea has indicated that its intent in entering into the coproduction of the "Korean Fighter Program" is not simply related to national security considerations, but also includes acquiring United States aerospace technology in order to develop an indigenous aerospace capability;

(4) the "Korean Fighter Program's" impact on the United States industrial base needs to be fully understood; and

(5) the United States Government's interagency coordinating and negotiating process must take into consideration United States economic security concerns.

(b) PRINCIPLES FOR NEGOTIATION.—The President shall ensure that—

(1) offset provisions are not included in any memorandum of understanding governing the proposed co-production by the United States and the Republic of Korea of the "Korean Fighter Program"; and

(2) any agreement shall preclude the transfer to the Republic of Korea's commercial aerospace industry of United States aerospace technology and applied technology derived from the "Korean Fighter Program."

(c) POLICY TOWARD MOU.—It is the sense of the Senate that the President should instruct the Secretary of Defense not to sign any government-to-government memorandum of understanding regarding the Korean Fighter Program until—

(1) a thorough review of the "Korean Fighter Program" is conducted by the Comptroller General of the United States in consultation with appropriate officials pursuant to sections 824 and 825 of the National Defense Authorization Act for Fiscal Year 1989 (Public Law 100-456); and

(2) a report is submitted within 60 days of the adoption of this resolution to the chairmen of the Committees on Foreign Relations and Armed Services describing and analyzing—

(A) any effects of the "Korean Fighter Program" on the United States industrial

base in light of the Republic of Korea's publicly stated objective to utilize the Program to develop an indigenous commercial aerospace industry;

(B) the effects of the "offset" provisions of the proposed "Korean Fighter Program" on the United States trade deficit with the Republic of Korea and any detrimental effects on United States or third country suppliers; and

(C) the extent of implementation of the United States Government's interagency coordinating and consulting process as called for in sections 824 and 825 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456), and any negative or positive aspects thereof.

On page 5, in the table of contents, after the item relating to section 914, add the following new item:

"Sec. 915. Policy toward coproduction of Korean fighter program.".

BRADLEY (AND PELL) AMENDMENT NO. 306

Mr. PELL (for Mr. BRADLEY, for himself and Mr. PELL) proposed an amendment to the bill S. 1160, supra, as follows:

Insert after section 914 in S. 1160, the Foreign Relations Authorization Act a new section, entitled "FUTURE OF HONG KONG" or insert as section 910(c), entitled "REPORT ON FUTURE OF HONG KONG":

SEC. . The Secretary of State shall report to Congress no later than January 1, 1990, about the implications of the June 3-4 crackdown by the government of the People's Republic of China against pro-democracy demonstrators in Beijing for the reversion of Hong Kong to PRC sovereignty in 1997, and about the way in which the administration intends to work with the United Kingdom, Hong Kong and our friends and allies in the region to ensure the democratic rights of the people of Hong Kong, and the general political and economic stability of the territory, after such reversion.

STEVENS (AND OTHERS) AMENDMENT NO. 307

Mr. HELMS (for Mr. STEVENS, for himself, Mr. KOHL, Mr. LEVIN, Mr. MURKOWSKI, Mr. REID, Mr. BOSCHWITZ, and Mr. DURENBERGER) proposed an amendment which was subsequently modified, to the bill S. 1160, supra, as follows:

Amend title I by inserting the following new sections:

SEC. . Agreement between the United States and Canada governing liability for potential oil spills in the Arctic Ocean and international contingency plans.

(2) FINDINGS.—The Congress finds that—

(1) Canada has discovered commercial quantities of oil and gas in the Amalagak region of the Northwest Territory;

(2) Canada is currently exploring alternatives for transporting the oil from the Amalagak field to markets in Asia and the Far East;

(3) one of the options the Canadian government is exploring involves transhipment of oil from the Amalagak field across the Beaufort Sea to tankers which would transport oil overseas;

(4) the tankers would traverse the American Exclusive Economic Zone through the Beaufort Sea into the Chukchi Sea and then through the Bering Straits;

(5) these waters serve as the kitchen table for Alaska's Native people providing them with sustenance in the form of walrus, seals, fish, and whales;

(6) the Beaufort and Chukchi Seas provide important habitat for the bowhead whale, the lifeblood of the Eskimo people of Alaska;

(7) an oil spill in the Arctic Ocean, if not properly dealt with, could have significant impacts on the indigenous people of Alaska's North Slope;

(8) the Canadian Arctic Waters Pollution Act limits recovery of damages incurred as a result of offshore exploration or development to $C40 million and does not apply west of 141 degrees latitude;

(9) the Canadian government has entered into an agreement with all companies licensed to drill in the Canadian Beaufort mandating liability to United States' claimants for damages suffered west of 141 degrees latitude, but that liability is limited to $C20 million;

(10) there is no international agreement in effect between the United States and Canada outlining legal liability in the event of an oil spill;

(11) there are no international contingency plans involving our two governments governing containment and clean-up of an oil spill in the Arctic Ocean; and

(12) there is no pool of money immediately available to mitigate the impact of an oil spill or to reimburse the people of the North Slope for any losses they might suffer in the event of an oil spill in Canadian waters or by a Canadian tanker.

(b) NEGOTIATIONS.—The Congress calls upon the Secretary of State and the Foreign Minister of Canada to begin negotiations on a treaty dealing with the complex questions of recovery of damages, contingency plans, and coordinated actions in the event of an oil spill in the Arctic Ocean or a tanker accident during the shipment of oil by sea.

(c) REPORT.—The Secretary of State shall report to the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs on his efforts toward this end no later than January 1, 1990.

SEC. . Report on agreements between the United States and Canada governing liability for potential oil spills in the Great Lakes and the St. Lawrence Seaway and international contingency plans.

(a) FINDINGS.—The Congress finds that—

(1) the Great Lakes contain 95 percent of the United States and 20 percent of the world's fresh surface water, providing drinking water for approximately 25 million Americans, supporting 20 percent of all United States manufacturing, providing habitat for thousands of wildlife species, and providing invaluable recreational opportunities and businesses for millions of people;

(2) last year four U.S. and twenty-two Canadian tanker vessels carried 81 million barrels of petroleum and hazardous materials through the Great Lakes;

(3) the Great Lakes are particularly vulnerable to oil spills, because they contain fresh water and are a closed system, without a larger sea to help disperse contaminants and reduce retention time;

(4) the potential for a disasterous oil spill on the Great Lakes was recently demonstrated in March 1989, when the Canadian tank barge Slurry narrowly avoided the release of 1.4 million gallons of carbon black feedstock when it ran aground twice on the Detroit River, near the drinking water intakes which serve nearly 3 million people;

(5) the near miss in March of 1989 was not an isolated incident, and hundreds of smaller spills have actually occurred in recent years on the Great Lakes; and

(6) concerns have been raised about inadequate requirements by the United States and Canada on the prevention and remediation of oil spills in the Great Lakes, including questions about measures on double-hulled tankers, double-skinned barges, vessel inspections, pilotage rules, spill notifications, spill contingency plans, containment equipment, wildlife rehabilitation facilities, clean-up procedures and the allocation of liability.

(b) REPORT.—The Secretary of State shall review the international agreements and treaties with the Republic of Canada, including relevant provisions of the Great Lakes Water Quality Agreement of 1978, as amended by the Protocol of 1987, and the Canada-United States Marine Pollution Contingency Plan for Spills of Oil and Other Noxious Substances, in order to determine whether amendments or additional international agreements are necessary to resolve complex questions of recovery of damages in the event of an oil spill in the Great Lakes and to ensure the adequacy of measures to prevent and remediate such spills. To the extent possible, the Secretary of State shall consult with the United States Coast Guard, the Environmental Protection Agency, and states surrounding the Great Lakes during this review.

(c) REPORT.—The Secretary of State shall report to the Congress on the results of this review no later than September 1, 1989.

LAUTENBERG (AND OTHERS) AMENDMENT NO. 308

Mr. PELL (for Mr. LAUTENBERG, for himself, Mr. PRESSLER, Mr. DECONCINI, Mr. WILSON, and Mr. HELMS) proposed an amendment to the bill S. 1160, supra, as follows:

At the end of the "Miscellaneous" Title of the bill, add the following new section:

SEC. . POLICY TOWARD HUMAN RIGHTS ABUSES IN ROMANIA.

(a) FINDINGS.—The Congress finds that—

(1) human rights abuses in Romania, particularly the abuse of the ethnic Hungarian minority, have increased in the last year;

(2) President Ceausescu is now carrying out his plans to obliterate as many as half of the country's 13,000 rural villages and force the resettlement of the families in agro-industrial centers without proper plumbing facilities;

(3) family homesteads, churches, and synagogues, traditional folk architecture and private sources of scarce food are being systematically destroyed;

(4) the collectivization has had a particularly bad impact on the nation's ethnic minorities, particularly its Hungarian minority, who suffer the loss not only of their homes, but also of their centuries-old ethnic communities because of collectivization;

(5) recent Helsinki Watch report cited Romania's Hungarian minorities as victims of a government campaign to end their separate cultural identity;

(6) tens of thousands of Romanians, predominantly ethnic Hungarians, have fled into neighboring Hungary, because of the persecution in Romania;

(7) in March, in response to the worsening situation in Romania, the United Nations

Human Rights Commission voted overwhelmingly to appoint a special rapporteur to investigate the human rights situation there;

(8) even Romania's Warsaw Pact allies refuse to support it on this question;

(9) Hungary cosponsored the United Nations action while the Soviet Union, East Germany, and Bulgaria abstained from voting; France recalled its Ambassador from Romania, and Portugal and Denmark closed their embassies in Romania; and Belgium, Switzerland, and the European Parliament have passed resolutions condemning Romanian human rights abuses;

(10) West Germany has cancelled economic meetings with Romania and scientific cooperation programs between the two countries; France recalled its Ambassador from Romania and cancelled a scheduled economic meeting; and Britain, France, and West Germany have frozen all high level government-to-government contacts;

(11) although Congress suspended Most-Favored-Nation trading status for Romania in 1987, the situation has gotten worse;

(12) this past spring, Romanian President Ceausescu announced that Romania has repaid its foreign debt, yet the austerity program shows no sign of abating and the Romanian Government has exported food even as Romanian store shelves have lain bare, at the expense of the Romanian people's well-being; and

(13) the worsening situation, plus the strong reaction of the world community, mean that it is imperative that the United States consider all available policy options to address Romania's continuing human rights abuses.

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

(1) the United States should prohibit the importation into the United States of Romanian meat, meat products, and wine until such time as the Romanian Government ceases to withhold food particularly meat from the Romanian people and improves significantly its domestic human rights record; and that

(2) the United States should vigorously protest, at all international conferences and forums, Romania's human rights abuses and, particularly, its abuses of the ethnic Hungarian minority.

(c) REPORT.—The Secretary of State should make a study of what additional diplomatic and trade sanctions could be imposed on Romania, and should specifically consider, evaluate, and report to the Committee on Foreign Affairs and Appropriations of the House of Representatives and the Committee on Foreign Relations and Appropriations of the Senate within 60 days from the adoption of this resolution on the advisability of taking the following actions:

(A) Instituting a boycott on food exports coming from Romania to the United States.

(B) Prohibiting service of any kind by the Romanian state airline, Tarom, or any aircraft owned or controlled, directly or indirectly, by the Socialist Republic of Romania, except for humanitarian reasons;

(C) calling for continued inquiries by the United Nations and other appropriate international bodies into the status of religious and human rights in Romania, including the sponsorship of resolutions therein on the topic;

(D) Severely limiting the number of Romanian government employees and dependents who can visit the United States for any purpose except to seek political asylum;

(E) Additional restrictions on the importation of products from Romania of any kind, except for opposition political literature or religious articles.

HELMS (AND DECONCINI) AMENDMENT NO. 309

Mr. HELMS (for himself and Mr. DECONCINI) proposed an amendment to the bill S. 1160, supra; as follows:

At the appropriate place in the bill, add the following new section:

SEC. . YANG WEI.

(a) FINDINGS.—The Congress finds that—

(1) Yang Wei, a Chinese national, studied at the University of Arizona from 1983 until he received his Masters of Science degree in microbiology in 1986;

(2) On January 11, 1987, while still an official student at the University of Arizona, Yang Wei was arrested by the Shanghai Public Security Bureau.

(3) After being held without charge for almost a year, Yang Wei was sentenced to two years in a labor camp for participating in the Chinese Alliance for Democracy.

(4) Yang Wei has been rearrested and again charged with participation in the Chinese Alliance for Democracy.

(5) Yang Wei has not committed any crime under United States Chinese law; and

(6) Officials of the People's Republic of China are conducting a campaign of repression against those, such as Tang Wei, who only aspire to freedom and democracy in their homeland.

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

(1) the People's Republic of China should immediately release all political prisoners including Yang Wei; and

(2) the leadership of the People's Republic of China should take all necessary steps toward establishing a democratic society, with a free and open political system that will protect the essential human rights of all people living within that country.

BIDEN AMENDMENT NO. 310

Mr. PELL (for Mr. BIDEN) proposed an amendment to the bill S. 1160, supra, as follows:

(1) On page 94, line 19, after "cancellation" insert "or redemption".

(2) On page 95, line 1, change ", and" to "or".

(3) On page 95, line 14, after "cancelled" insert "or redeemed".

(4) On page 95, starting on line 16, strike the language of (b) and insert in lieu thereof "Notwithstanding any other provision of law, a grantee (or any subgrantee) of the grants referred to in section (a) may retain, without deposit in the Treasury of the United States and without further appropriation by Congress, interest earned on the proceeds of any resulting debt-for-nature exchange pending the disbursements of such proceeds and interest for approved program purposes, which may include the establishment of an endowment, the income of which is used for such purposes."

(5) On page 98, line 13, after "that" insert "an agreement has been reached to cancel". On line 14, strike "has been cancelled." On line 14, strike "the" and insert "an".

(6) On page 99, starting on line 20, strike the language of (c)(2) and insert in lieu thereof "Notwithstanding any other provision of law, a grantee (or any subgrantee) of the grants referred to in section (a) may retain, without deposit in the Treasury of the United States and without further appropriation by Congress, interest earned on the proceeds of any resulting debt-for-nature exchange pending the disbursements of such proceeds and interest for approved program purposes, which may include the establishment of an endowment, the income of which is used for such purposes."

MACK AMENDMENT NO. 311

Mr. HELMS (for Mr. MACK) proposed an amendment to the bill S. 1160, supra; as follows:

On page 55, line 4, strike $181,724,000" and insert in lieu thereof "$182,424,000".

On page 55, line 10, strike "$12,000,000" and insert in lieu thereof "$12,700,000".

PELL AMENDMENT NO. 312

Mr. PELL proposed an amendment to the bill S. 1160, supra; as follows:

The Mutual Educational and Cultural Exchange Act and Related Materials, as amended, is amended by inserting in section 112(a)(8) following the word "degree" and preceding the ";" the following: "or through other programs designed to promote contact between the young peoples of the United States, the Soviet Union, and Eastern European countries".

WIRTH AMENDMENT NO. 313

Mr. PELL (for Mr. WIRTH) proposed an amendment to the bill S. 1160, supra, as follows:

At the appropriate place insert:

"Not later than 90 days after the enactment of this Act, the Director of the United States Information Agency shall provide a detailed report to the chairman of the Foreign Relations Committee of the Senate and the Speaker of the House of Representatives describing all programming material acquired by the United States Information Agency in fiscal year 1988 and fiscal year 1989 from public television and radio entities, including a description of how such program material was utilized by the United States Information Agency, in whole or in part, in original or edited form. Further, the Director of the United States Information Agency shall include in such report a description of projected United States Information Agency use of programming material acquired for public television and radio entities through fiscal year 1992.".

WILSON AMENDMENT NO. 314

Mr. WILSON proposed an amendment to the bill S. 1160, supra, as follows:

At the end of the bill add the following:

The Senate hereby supports the constitutional rights of the President to conduct foreign policy.

LOTT (AND OTHERS) AMENDMENT NO. 315

Mr. LOTT (for himself, Mr. DECONCINI, Mr. HELMS, Mr. WILSON, Mr. D'AMATO, and Mr. COATS) proposed an amendment to the bill S. 1160, supra, as follows:

Strike all after the word "The" and insert the following: "lines on page 130, starting with 6, and continuing through 16, are null void and of no effect.".

GORE (AND KASTEN) AMENDMENT NO. 316

Mr. GORE (for himself and Mr. KASTEN) proposed an amendment to the bill S. 1160, supra, as follows:

Insert at the end of title VI, the following new section:

"The Secretary of State, shall, six months after entry into force of this legislation, submit to the Congress a report of the political, economic, commercial, and security implications of assistance to foreign countries in the form or systematically organized and financed transfers of technology for the purpose of improving energy efficiency and reducing carbon emissions to the atmosphere. The report shall review the extent to which such transfers may be deemed in the net interests of the United States. In conducting such review, the Secretary shall consider benefits of reduced emissons of greenhouse gases that would result from such transfers as well as any concerns regarding potential political, economic, commercial, or security risks. Said report is to include comments of the Secretary of Defense, the Secretary of Energy, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency.".

DOMENICI (AND OTHERS) AMENDMENT NO. 317

Mr. DOMENICI (for himself, Mr. CHAFEE, Mr. WIRTH and Mr. KASTEN) proposed an amendment to the bill S. 1160, supra, as follows:

At the end of the pending amendment add the following:

SEC. . FINDINGS.—The Senate finds that—

(1) The population of the World is predicted to double within the next 36 years;

(2) About 90 percent of this enormous increase will occur in developing nations;

(3) Many scientists are predicting significant increases in the planet's mean temperature in the next 50 to 60 years as the result of the accumulation of carbon dioxide and other gases that are a product of energy consumption;

(4) Increases in energy consumption will accompany the significant increase in population;

(5) Such increased energy consumption will lead to increased emissons of "greenhouse gases", which could lead to even greater increases in temperature;

(6) The United States possesses the scientific and technical expertise to develop new clean energy technologies to meet future energy needs of this planet:

Now, therefore, it is the Sense of the Senate that the President of the United States should persuade other world leaders to join in convening an International Energy Conference, or use the occasion of the third plenary session of the Intergovernmental Panel on Climate Change to bring the nation of the World together to focus attention on international energy problems. Such effort will identify ways and means of assisting lesser-developed nations in the development of their energy needs through efficient and clean energy technologies that will mitigate the alterations to the atmosphere that cause global warming."

EXON (AND HELMS) AMENDMENT NO. 318

Mr. EXON (for himself and Mr. HELMS) proposed an amendment to the bill S. 1160, supra; as follows:

At the appropriate place in the bill add the following:

STUDENT VISAS FOR CHINESE STUDENTS IN JAPAN

( ) The U.S. Embassy in Japan shall not deny student visas to nationals of the Peoples Republic of China currently in Japan based solely on the recent political events in China, where the student can demonstrate an ability to meet all other requirements of a student visa and demonstrate that the student initiated an education plan prior to June 4, 1989, which included study in the United States.

WIRTH AMENDMENT NO. 319

Mr. PELL (for Mr. WIRTH) proposed an amendment to the bill S. 1160, supra, as follows:

At the appropriate place in the bill insert the following:

SEC. . Section 1103 of Public Law 100-204 is amended:

(1) by inserting at the end of subsection (b), "The President shall submit to Congress a coordinated national policy on global climate change by February 1, 1990."

KASTEN AMENDMENT NO. 320

Mr. HELMS (for Mr. KASTEN) proposed an amendment to the bill S. 1160, supra, as follows:

On page 75, after line 8, insert the following new section:

SEC. 222. VOICE OF AMERICA BROADCASTS TO THE PEOPLE'S REPUBLIC OF CHINA.

For fiscal year 1990, the Voice of America shall broadcast its programs not less than 12 hours each day into the People's Republic of China.

On page 5, in the table of contents, after the item relating to section 221, add the following new item:

"Sec. 222. Voice of America broadcasts to the People's Republic of China.".

On page 55, line 4, strike out "$182,424,000" and insert in lieu thereof "$183,924,000".

ADAMS AMENDMENT NO. 321

Mr. PELL (for Mr. ADAMS) proposed an amendment to the bill S. 1160, supra, as follows:

On page 28, between lines 5 and 6 insert the following new section:

SEC. 127. ENHANCEMENT OF EVACUATION CAPABILITY.

(a) Section 102(b) of the Diplomatic Security Act of 1986 (22 U.S.C. 4801(b)) is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by redesignating paragraph (5) as paragraph (6);

(3) by inserting after paragraph (4) the following new paragraph:

"(5) to set forth the responsibility of the Secretary of State with respect to the safe and efficient evacuation of United States Government personnel, their dependents and private United States citizens when their lives are endangered by war, civil unrest, or natural disaster; and"

(b) Section 103 of the Diplomatic Security Act of 1986 (22 U.S.C. 4802) is amended—

(1) by redesignating paragraphs (b) and (c) as paragraphs (c) and (d) respectively;

(2) by inserting after paragraph (a) the following new paragraph:

"(b) OVERSEAS EVACUATIONS.—The Secretary of State shall develop and implement policies and programs to provide for the safe and efficient evacuation of United States Government personnel, dependents and private U.S. citizens when their lives are endangered. Such policies shall include measures to identify high risk areas where evacuation may be necessary and, where appropriate, providing staff to United States Government missions abroad to assist in those evacuations. In carrying out these responsibilities, the Secretary shall:

"(1) develop a model contingency plan for evacuation of personnel, dependents and U.S. citizens from foreign countries;

"(2) develop a mechanism whereby American citizens can voluntarily request to be placed on a list in order to be contacted in the event of an evacuation, or which, in the event of an evacuation, can maintain information on the location of American citizens in high risk areas submitted by their relatives.

"(3) assess the transportation and communications resources in the area being evacuated and determine the logistic support needed for the evacuation;

"(4) develop a plan for coordinating communications between embassy staff, Department of State personnel and families of U.S. citizens abroad regarding the whereabouts of those citizens.

BIDEN AMENDMENT NO. 322

Mr. HELMS (for Mr. BIDEN) proposed an amendment to the bill S. 1160, supra, as follows:

Strike "PART C—INTERNATIONAL DEBT EXCHANGES AND THE ENVIRONMENT", of Title VI, and insert in lieu thereof the following:

"PART C—INTERNATIONAL DEBT EXCHANGES AND THE ENVIRONMENT

"SEC. 631. SENSE OF THE CONGRESS RESOLUTION REGARDING ENVIRONMENTAL POLICY AND INTERNATIONAL DEBT EXCHANGES.

"(a) POLICY.—It is the sense of the Congress that the Secretary of Treasury should include support for sustainable development and conservation projects when providing a framework for negotiating or facilitating exchanges or reductions of commercial debt of foreign countries.

"(b) GOAL.—In assisting or facilitating the reduction of debt of heavily indebted foreign countries, either through bilateral institutions or multilateral institutions such as the International Monetary Fund or the World Bank, the Secretaries of State and Treasury shall support efforts to provide adequate resources for sustainable development and conservation projects as a component of the restructured commercial bank debt of that country.

"(c) CRITERIA.—In providing that support, the Secretaries shall seek to assure that:

"(1) the host government, or a local nongovernmental organization acting with the support of the host government, has identified conservation or sustainable development projects it will target for assistance;

"(2) there will be in place an organization, either governmental or nongovernmental,

that will have the commitment to assure the long-term viability of the project;

"(3) the allocation of the resources provided for conservation and sustainable development projects through the debt restructuring agreement is done in a manner that will not overwhelm or distort economic conditions in the host country.

"Sec. 632. REPORTS.

"(a) Within 120 days of enactment of this act, the Secretary of the Treasury shall provide a report to the Senate Foreign Relations Committee and the Speaker of the House on the methods that will be used to incorporate environmental considerations into debt restructuring plans.

"(b) The Secretary shall include in the annual Multilateral Development Bank environmental report a section providing a summary and analysis of the support provided to conservation and sustainable development projects as a part of major agreements to restructure a country's foreign debt.".

COATS (AND OTHERS) AMENDMENT NO. 323

Mr. COATS (for himself, Mr. HELMS, and Mr. BOREN) proposed an amendment to the bill S. 160, supra, as follows:

At the end of the bill, add the following new section:

"SEC. . APPOINTMENT OF THE NEW ADMINISTRATOR OF THE PANAMA CANAL COMMISSION.

Title 22, United States Code, section 3613 is amended by adding before the period the following: "; provided that no Administrator may be appointed to fill a new term unless and until the President certifies to Congress that the ruling government of Panama is democratically elected according to procedures specified in the Constitution of Panama providing for a civilian government in control of all Panamanian military and paramilitary forces.".

ARMSTRONG (AND OTHERS) AMENDMENT NO. 324

Mr. ARMSTRONG (for himself, Mr. DECONCINI, Mr. COATS, Mr. MCCLURE, Mr. HUMPHREY, Mr. HELMS, and Mr. CONRAD) proposed an amendment to the bill S. 160, supra, as follows:

At the end of the bill add the following new section:

"SEC. . CHINESE FLEEING COERCIVE POPULATION CONTROL POLICIES.

"(a) Pursuant to paragraph (42)(A) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)(A)), all adjudicators of asylum or refugee status shall give fullest possible consideration to applications from nationals of the People's Republic of China who express a fear of persecution upon return to that country because they refuse to abort a pregnancy or resist sterilization in violation of Chinese Communist Party directives on population.

"(b) In view of the urgent priority assigned to the 'one couple, one child' policy by high level Chinese Communist Party officials and local party cadres at all levels, as well as the severe consequences commonly imposed for violations of that policy, which are regarded as 'political dissent,' refusal to abort or to be sterilized, as described in subsection (a) of this section, shall be viewed as an act of political defiance justifying a 'well-founded fear of persecution' sufficient to establish refugee status under paragraph (42)(A) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)(A)).

"(c) All other factors which may contribute to a determination of asylum or refugee status in such cases are to be given additional weight by asylum and refugee adjudicators, such factors including, but not limited to, overt political activities while in the United States or third countries, membership in an ethnic or religious minority, family background and history, or suspicion of 'counterrevolutionary' activities by Chinese Communist Party officials.

"(d) Nothing in this section shall be construed to necessitate a grant of asylum or refugee status to any individual who is ineligible for admission to the United States under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)).

"(e) The Secretary of State and the Attorney General shall, within 30 days of enactment of this section, promulgate regulations and guidelines to carry out the provisions of this section.".

SPECTER AMENDMENT NO. 325

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 1160, supra, as follows:

At the appropriate place insert the following:

SEC. 17. DEATH PENALTY FOR TERRORIST ACTS ABROAD AGAINST UNITED STATES NATIONALS.

Section 2331(a)(1) of title 18, United States Code, is amended by inserting before the semi-colon the following: ", or the court may impose a sentence of death in accordance with the procedures set forth in section 7001 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 848)".

BYRD (AND HATFIELD) AMENDMENT NO. 326

Mr. BYRD (for himself and Mr. HATFIELD) proposed an amendment to the bill S. 1160, supra, as follows:

On page 7, line 1, strike "shall be available only" and insert "are authorized to be appropriated";

On page 9, line 10, beginning with "; and" strike all through "(f)" on page 10, line 6, and insert "(e)";

On page 27, strike lines 13 through 19 and insert the following:

"(a) AUTHORIZATION.—Of the funds authorized to be appropriated for fiscal year 1990 by this title, $1,300,000 are authorized to be appropriated to provide continued support for the establishment of a Latin American and Caribbean Data Base.";

On page 55, lines 10 and 11, strike "shall be available only" and insert "are authorized to be appropriated";

On page 55, line 22, beginning with "Of the funds" strike all through the period on page 57, line 8 and insert the following:

"Of the funds authorized to be appropriated by this section, there are authorized to be appropriated—

"(1) $98,000,000 for grants for the Fulbright Academic Programs;

"(2) $40,400,000 for grants for the International Visitors Program;

"(3) $5,500,000 for grants for the Hubert H. Humphrey Fellowship Program;

"(4) $2,500,000 for Congress-Bundestag Exchanges;

"(5) $2,000,000 for the Samantha Smith Programs;

"(6) $7,800,000 for the Arts America Program;

"(7) $11,900,000 for the Office of Citizen Exchanges; and

"(8) $150,000 for books and materials for the collections at the Edward Zorinsky Memorial Library in Jakarta, Indonesia.

"(b) SOVIET AND EASTERN EUROPEAN RESEARCH EXCHANGES.—(1) Of the funds authorized to be appropriated in subsection (a), $3,250,000 are authorized to be appropriated for research exchanges with the Soviet Union and Eastern Europe for—

"(A) professors and other professionals holding the doctoral degree or its equivalent; and

"(B) enrolled doctoral candidates who will have satisfied all requirements for the doctoral degree except for the dissertation by the time of their exchange participation.

"(2) In addition to maintaining or expanding their traditional exchange programs with the Soviet Union and Eastern Europe, organizations receiving the funds authorized by this subsection shall be encouraged to develop direct exchanges with academic institutions in non-Russian republics in the Soviet Union.";

On page 61, line 11 strike "Of the funds made available to the United States Information Agency for fiscal year 1990 for the acquisition, production, and transmission by satellite of television programs, not less than $1,500,000 shall be available" and insert "Of the funds authorized to be appropriated to the United States Information Agency by this title, $1,500,000 are authorized to be appropriated".

On page 7, line 22, strike "shall be available only" and insert "are authorized to be appropriated".

On page 93, line 17, strike "shall be available" and insert "are authorized to be appropriated".

On page 107, line 2 after the word "which" insert "not more than".

DOLE (AND MITCHELL) AMENDMENT NO. 327

Mr. DOLE (for himself and Mr. MITCHELL) proposed an amendment to the bill S. 1160, supra, as follows:

SECTION 1. The United States supports the restoration of Lebanon's unity, sovereignty, and territorial integrity, to include the withdrawal of all foreign forces and the disbandment of militias in the context of a reconstituted central government;

The restoration of Lebanon's unity requires a political dialogue among the Lebanese, free of intimidation or the threat of violence from any party, foreign or domestic;

The restoration of Lebanon's sovereignty requires a reconstitution of Lebanon's central government through free elections and the extension of that reconstituted government's authority throughout all of Lebanon;

The restoration of Lebanon's territorial integrity requires the withdrawal of all foreign forces;

The continuing conflict in Lebanon has secured for its Lebanese participants neither communal security nor political equality;

The toll of that extended conflict has now exceeded 125,000 lives lost and uncounted thousands more wounded;

The Arab League Higher Committee has called for a cease-fire between the forces

fighting in Lebanon and a lifting of the blockades;

The Arab League Higher Committee is seeking a peaceful resolution to the crisis in Lebanon and has called for a meeting of Lebanese parliamentarians at a site outside Lebanon to be chosen by the parliamentarians: Now, therefore, be it the sense of the Senate that the Senate hereby—

(1) commends the Bush Administration's support for the efforts of the Arab League Higher Committee to restore peace and security to Lebanon;

(2) shares the Bush Administration's goals of restoring Lebanon's unity, sovereignty, and territorial integrity, to include the withdrawal of all foreign forces and, in the context of a reconstituted central government, the disbandment of militias;

(3) calls on the President to support actively and publicly all peaceful efforts, including efforts of the Arab League and the United Nations, to: (a) establish a political dialogue among the Lebanese that is free of intimidation or the threat of violence from any party, foreign or domestic; (b) reconstitute Lebanon's central government and extend that government's authority throughout all of Lebanon; and (c) secure the withdrawal of all foreign forces;

(4) calls on all Lebanese parties to commit themselves to a process of internal reconciliation whose goal is the restoration of Lebanon's unity through free presidential elections and constitutional reform;

(5) calls on all parties, Lebanese and non-Lebanese, to let that process proceed in an atmosphere devoid of intimidation or threat of violence;

(6) calls on the international community to support actively and publicly such a process and to take all necessary actions to peacefully promote that process;

(7) urges the Bush Administration to pursue the issue of Lebanon vigorously in its diplomatic contacts with all parties involved in or interested in the conflict in Lebanon, specifically including the USSR and Syria;

(8) urges the Bush Administration to impress upon Syria the need to desist from any further actions which threaten the sovereignty of Lebanon or exacerbate the conflict there;

(9) urges the Bush Administration to encourage the Arab League, the United Nations and all parties to use their influence to the end of restoring Lebanon's unity and sovereignty.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON NUCLEAR REGULATION

Mr. PELL. Mr. President, I ask unanimous consent that the Subcommittee on Nuclear Regulation, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, July 19, 1989, beginning at 10 a.m., to conduct a hearing on S. 946, the Nuclear Regulatory Reorganization and Reform Act of 1989.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. PELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 19, 1989, at 10:30 a.m., to hold an ambassadorial nomination hearing.

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

COMMITTEE ON THE JUDICIARY

Mr. PELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, July 19, 1989, at 10 a.m., to hold a hearing on the nomination of William Lucus to be an Assistant Attorney General for the Civil Rights Division at the Department of Justice.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. PELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate on Wednesday, July 19, 1989, at 10 a.m., to conduct an oversight hearing on the Defense Production Act and competitiveness.

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

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. PELL. Mr. President, I ask unanimous consent that the Science, Technology, and Space Subcommittee, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on July 19, 1989, at 2 p.m. to hold a hearing to assess the comparative status of the Nation's Space Program vis-a-vis other spacefaring nations.

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

SUBCOMMITTEE ON COMMUNICATIONS

Mr. PELL. Mr. President, I ask unanimous consent that the Communications Subcommittee, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on July 19, 1989, at 9:30 a.m. to hold a hearing on S. 999, the Clean Campaign Act of 1989, and S. ——, the Political Broadcasting Disclosure Act of 1989.

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

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. PELL. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate July 19, 1989, at 2 p.m. for a hearing to receive testimony on S. 866, a bill to establish the Calumet Copper Country National Historical Park in the State of Michigan, and for other purposes; S. 931, a bill to protect a segment of the Genesee River in New York; H.R. 419, a bill to provide for the addition of certain parcels to the Harry S. Truman National Historic Site in the State of Missouri; and H.R. 1529, an act to provide for the establishment of the Ulysses S. Grant National Historic Site in the State of Missouri, and for other purposes.

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

SUBCOMMITTEE ON TAXATION AND DEBT MANAGEMENT AND THE SUBCOMMITTEE ON PRIVATE RETIREMENT PLANS AND OVERSIGHT OF THE INTERNAL REVENUE SERVICE

Mr. PELL. Mr. President, I ask unanimous consent that the Subcommittee on Taxation and Debt Management and the Subcommittee on Private Retirement Plans and Oversight of the Internal Revenue Service of the Committee on Finance be authorized to meet during the session of the Senate on July 19, 1989, at 3:15 p.m. to hold a joint hearing on ESOP's and Retiree Health.

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

SUBCOMMITTEE ON TAXATION AND DEBT MANAGEMENT

Mr. PELL. Mr. President, I ask unanimous consent that the Subcommittee on Taxation and Debt Management of the Committee on Finance be authorized to meet during the session of the Senate on July 19, 1989, at 2:30 p.m. to hold a hearing on a bill to increase the public debt limit.

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

ADDITIONAL STATEMENTS

COMMITMENT TO ARMENIA—SENATE JOINT RESOLUTION 178

● Mr. BUMPERS. Mr. President, I am pleased to join in support of Senate Joint Resolution 178. I do so because I believe it is imperative that the United States support people around the world who hunger for freedom. This resolution reaffirms America's commitment to the people of Armenia, and it sends a signal to Armenians around the world that America will never forget their ongoing struggle.

Last December, the world witnessed the tremendous courage of the Armenian people as they struggled to rebuild their lives after a devastating earthquake left thousands dead and thousands more without homes. As the world watched with horror, the world also witnessed the amazing determination and resilience of the Armenian people. The United States was quick to respond with donations and volunteers, and we were proud to lend our support to help these courageous people.

This resolution, however, focuses on another type of hardship the Armenian people have had to endure. The status of the Nagorno-Karabagh

region, an area located to the south of the Caucasus Mountains in Soviet Azerbaijan with Armenians comprising an overwhelming majority of the population, has been of particular concern to Armenians and to all people struggling to establish a more just world. Since 1923 ethnic discrimination and economic oppression have been the fate of the Armenian population of Nagorno-Karabagh. In February of 1988, several Armenians were killed in Sumgait, Azerbaijan, and spokespersons for the popular movement in Armenia were jailed for nearly 6 months before their release on May 31, 1989. As a result of these human rights abuses, large demonstrations and unrest continue in Nagorno-Karabagh to this day.

This resolution encourages Soviet President Gorbachev to engage in meaningful discussions with elected representatives of the people of Nagorno-Karabagh regarding their demands for reunification with the Armenian homeland, and with the leadership of Armenia's prodemocracy movement. By urging bilateral negotiations, I believe that a peaceful compromise is a realistic hope. We must be optimistic that Soviet President Gorbachev is intent on carrying his message of change throughout the entire Soviet Union, and we must continue to demand that the rights of Armenians are protected everywhere.

It is apparent then, Mr. President, that greater freedom has not extended to all corners of the Soviet Union. While glasnost has made some progress in Moscow and elsewhere, I can assure you that the United States will continue to appeal to Soviet President Gorbachev to allow Nagorno-Karabagh to reunite with Soviet Armenia. I believe it is important to Armenians in Nagorno-Karabagh and to Armenians around the world to know that the United States stands behind them as they try to gain a freedom that has so far proven to be elusive.●

JUDI HACKETT

● Mr. McCONNELL. Mr. President, I would like to bring to the attention of my colleagues a Kentucky leader who is working hard to revitalize the rural areas of America. Today, I would like to recognize a Kentuckian named Judith Hackett for her contributions to rural Kentucky and rural America. I also want to place into the RECORD excerpts from an article about this individual whose concern for rural America's growth is an example to us all.

Ms. Judi Hackett is the very model of the ideal citizen-leader. She believes she can help rural areas grow and she has been doing just that for the past 4 years. During that time, her life has been dedicated to the preservation and creation of jobs in America's small towns and communities.

Ms. Hackett has served as the director of the Center for Agriculture and Rural Development since 1985. In this position, Ms. Hackett feels that her greatest impact on rural growth has been that of an information-giver. The center informs political leaders and citizens in rural areas across the country about what kind of programs are available, and provides answers to their questions.

Recently, Ms. Hackett served a year and a half here in Washington as a special assistant for rural development in the Small Business Administration. During that time, she helped to publish "Working Together: A Guide to State and Federal Resources for Rural Economic Development," which listed over 700 Federal and State programs available to rural citizens.

In the words of Ms. Hackett, "If we can help one small business in each county add one job, over the course of several years that's made a big difference." Making a difference is what Ms. Hackett has done.

It was in the spirit of Ms. Hackett's dedication to helping others that the Rural Partnership Act of 1989 was introduced. This bill will redirect and refocus efforts on behalf of rural America while allowing individual communities to identify their most pressing needs and to work closely with the Government. Ms. Hackett knows that the bureaucracy can seem overpowering and frightening to the average citizen. The Rural Partnership Act will address that problem as it seeks to focus and coordinate the efforts of all governmental agencies for the benefit of rural Americans.

Helping the small town citizens is what Judi Hackett has been doing and it is what the U.S. Congress should be doing too. I hope that all of my colleagues in this body will take note of Ms. Hackett's enthusiasm and join me in thanking her for her efforts on behalf of rural America.

[From the Lexington (KY) Herald-Leader, June 19, 1989]

CENTER DIRECTOR CONCERNED WITH RURAL GROWTH

(By Joseph S. Stroud)

Judi Hackett says the key to the future of America's rural areas is their ability to preserve and create jobs.

"We've gone from having about 25 percent of the population employed in agriculture at the turn of the century to having less than 3 percent in agriculture now," she said. "That doesn't mean that we only have 2 percent of our people living in rural areas. We don't. In fact, about 25 percent of our population live in rural areas."

As director of the Center for Agriculture and Rural Development in the Council of State Government, Ms. Hackett spends a lot of time thinking about rural development issues. Much of the job that the Center for Agriculture and Rural Development does is informational—letting political leaders and people in rural communities across the country know what kind of programs are available, which ones have been tried before and what states are doing now.

She helped publish "Working Together: A Guide to State and Federal Resources for Rural Economic Development," which listed more than 700 federal and state programs available to rural citizens. The publication was part of a broader campaign to give people better access to rural development programs—a campaign that worked, Ms. Hackett said.

The broader question is whether government rural development programs are the best way to enliven America's rural economy. When asked whether rural development works, Ms. Hackett seemed certain.

"I think you should ask the question: 'What are the costs of not having a rural development policy? What would be the cost of not being able to go back to your home town again? Of having it become a ghost town?"

A bigger question, she added, is "What happens if we don't try?" "I think that's a question that we can't afford to answer."●

ON RETURNING TO WASHINGTON

● Mr. SIMON. Mr. President, several months ago Stephen Trachtenberg, the relatively new president of George Washington University, was a guest speaker at the National Women's Democratic Club. Before assuming his role as president, as well as professor of public administration, at George Washington University, Mr. Trachtenberg served 11 years as president of the University of Hartford, where he also taught. Dr. Trachtenberg spent some time in Washington, both as special assistant at the old Commission on Education as well as a frequent visitor. His return has left him with some thoughts and some hopes, which he shared with those present at the National Women's Democratic Club.

Dr. Trachtenberg focuses on a problem we all continue to grapple with: Racism and opportunity. He speaks of the wonderful country in which we live and the institutions and ideals which many of us take for granted. To many, these ideals are directly contradicted by the reality of racism.

Twenty years ago, Dr. Trachtenberg tells us, we lived in an age of seemingly unending prosperity and opportunity. At that time, the issues of minority rights were questions of morals and justice. Now, Trachtenberg argues, these issues are also questions of our economic future and our own self-interest.

He believes that at least part of our economic decline results from our inability to fairly incorporate minorities into our economy. According to Trachtenberg, we cannot continue to rely solely on the shrinking white middle class for our skilled labor. We must use minority skilled labor as well. Unfortunately, many minorities are not yet ready to assume such responsibilities because they have been denied

the access to the education and job experience necessary to perform these jobs.

Thus, Mr. Trachtenberg proposes what he calls a "Marshall Plan" for the United States, that concentrates on the needs of disadvantaged and minority children, providing them with the necessary education and the resulting opportunity. He hopes to start a "child-focused crusade" which will result in the improvement of the quality of life for all Americans.

There is much in Dr. Trachtenberg's speech that addresses programs and ideas currently before the Congress. I urge my colleagues to read his entire speech, as it is timely and, in many instances, right on target. I ask that the speech be printed in full in the RECORD.

The speech follows:

RETURNING TO WASHINGTON AFTER 20 YEARS IN THE DIASPORA

(By Stephen Joel Trachtenberg)

When I was asked to give a title to my remarks at this luncheon, I chose, as you already know, "Returning to Washington After 20 Years in the Diaspora." My purpose in doing so was twofold: (a) to make a joke, and (b) to suggest something serious.

The joke has to do with something already quite familiar to you. Those who have experienced the exhilaration of life in our nation's capital, with its proximity to every conceivable kind of political power and political pretension, soon find they cannot do without it. During my years in New England, I found myself reading the news from Washington with at least as much interest as the news from New York and Boston. When the splendid opportunity finally arrived, and I was able to return to Foggy Bottom as the president of no less an institution than The George Washington University, I thought carefully, moved swiftly, and here I am happily warming up to the serious part of my talk!

The serious part, also suggested in my title, is that Washington occupies—for me, for many other Americans, and for a surprising number of people around the globe—a position not altogether unlike that historically accorded to Jerusalem. Indeed, there are ways in which Washington can even be said to out-Jerusalemize Jerusalem. According to the Bible, the latter city existed long before it was conquered by King David, and even took an unusually long time to conquer once the Israelites had conquered other parts of the Holy Land. In a certain sense, therefore, it had to be reconsecrated after David had wrested control of it from the Canaanites—a reconsecration not really completed until his son Solomon built the Temple.

Washington, on the other hand, can truly be called a city that was consecrated from the word "go." It was built to express a vision of life that had already created the Declaration of Independence and the United States Constitution. When Washington had taken the basic form we are familiar with today, it sought to declare to the world, by its architecture as well as the functions housed within it, that democracy, power and grandeur are fully compatible.

And despite the deism to which the Founding Fathers were inclined, a deism which drew so directly on the European Enlightenment, that American axiom was proclaimed with a truly religious fervor. Every military conflict engaged in by the United States from the middle of the last century to the middle of our own included, so to speak, a "human rights component"—whether it was the Civil War, the Spanish-American War, or the two World Wars.

Needless to say, the world has not lacked historical revisionists keen on letting us know that all that—quote—"idealistic stuff" was just a bunch of propaganda, and that America's wars were planned and controlled by an elitist upper class not too different in outlook from its European counterparts. But revisionism, in this case, has been able to go only so far. It has helped us to balance the naivete of those earlier historians who thought that when you said "Karl Marx" you were describing what a young boy named Karl might enjoy doing, with a black crayon, to a white wall. Revisionism has not succeeded in eliminating from our consciousness the fact that Americans, as a society, have always been unusually susceptible to idealistic as opposed to materialistic appeals, especially when idealism has translated into a desire to empower—to grant political and economic maturity—to those who presently have no voice in their own destinies.

And all that helps to explain why when in 1966 I went to work as Special Assistant to the U.S. Commissioner of Education, I found myself and my office and my boss so totally immersed in issues having to do with race. Back then, when Europeans liked to think of themselves as virtually immune from problems involving racial and ethnic minorities, race was the stick with which European intellectuals regularly beat America over the head. "Ha ha!" they would crow in effect, "you have all these pretensions about justice and equality and the rights of the individual. Yet look at what you've been unable to achieve a hundred years after your President Lincoln issued the Emancipation Proclamation!"

Americans weren't happy to hear that, of course. Even those who noticed the rising migration of Third World people to Western European nations, and were willing to predict that the Europeans would soon be changing their tune, still felt uncomfortable about the extent to which the United States, with a New Jerusalem of sorts as its capital, had failed in the effort to integrate its African-American and Hispanic-American citizens into the mainstream of its economy.

More than two decades have passed since that moment. I myself have experienced the Diaspora, followed by my personal return. And what I see around me is what you yourselves are just as aware of: the fact that where race is concerned, not enough has improved, much remains the same, and some has gotten worse.

In 1989, it is still impossible for us to say that a talented child born into a minority family in a center-city location stands a 100 percent or 75 percent or even 50 percent chance of developing those talents into a successful career when compared to a similarly talented child born into a white suburban household.

In 1989, it is still impossible for us to say that a talented minority child who makes it all the way through elementary school and high school stands an equal chance, with his or her white suburban counterpart, of becoming a mainstream professional—unless that young person is so talented that Princeton and Harvard and Yale and Stanford and George Washington University are all bidding for his or her attendance on their campuses. African-American males, as you all know, represent a declining proportion of the students in our colleges and universities. At the same time, they represent a steadily rising proportion of those admitted to the emergency rooms of American hospitals with wounds of a kind not usually seen except in wartime.

When I first came to Washington there was more awareness than at present of the thinking of Gunnar Myrdal, the Scandinavian sociologist who insisted, over and over again, that race was the overriding issue of American social, political and economic life. Today, for those who remember his work, it appears that Myrdal was right. Race is on all of our minds much of the time. It forces its way onto the front page of every major newspaper almost every day. It is, therefore, what we feel most hopeless about and prefer, by and large, not to discuss on social occasions or when we don't absolutely have to. It is the not-so-secret flaw that runs through our once-hopeful New Jerusalem. It lowers our self-image as Americans, and by doing so it reduces our optimism as we try to cope with a host of other challenges that now confront us, be they economic or ecological or political or, most often, some combination of the three. One thing has changed, however. Twenty years ago, when the American economy looked as if it would go on expanding and triumphing forever, unresolved issues having to do with race and ethnicity were seen as issues of justice and decency. Those in Washington and elsewhere who campaigned on behalf of our minorities and their access to education, jobs and other benefits would do so on the premise that they were demanding what all Americans deserve and need. The struggle was cast in moral terms, and those who opposed this or that move in the direction of—quote—"helping our minorities" would typically do so by saying that there was *no* moral obligation, or only a very limited obligation, to help those who were so mysteriously failing to help themselves.

In retrospect, and even with the Vietnam War atmosphere taken into account, that looks like a time when America was in balance. Those most vigorously protesting the Vietnam War, for example, had no doubt that when it ended, and they could once again devote themselves to their careers, well-paid jobs would be waiting for them. The production of and demand for college graduates and trained professionals were working with each other. In a booming economy—superheated by the war itself—those with talent and appropriate credentials took opportunity for granted.

That world began to disappear with the Arab oil embargo of 1973, the subsequent inflation, and the more recent discovery that we have been and are being outstrategized by international economic challengers who, twenty years ago, looked more like subordinates and occasional partners. Those rivals, in turn, have been the first to inform us that our own economic stagnation and probable decline have everything to do with our inability to bring our minority groups, soon to form a majority of the American population, into full participation, as productive workers and managers, in the American economy.

Declarations to that effect, by industrialists in East Asia and Western Europe, have not been greeted kindly by middle-class citizens in the United States. Sometimes those declarations have had a racist flavor, in which the minority groups themselves have

apparently been allotted complete responsibility for their situation. That, in turn, has been taken as adequate grounds for throwing the baby out with the bathwater. Instead of listening carefully when those industrialists say that the problems of the American economy are increasingly personnel problems in an age when there are desperate shortages of skilled labor, we have used this or that piece of tactlessness, especially when uttered by a Japanese chief executive officer, as an excuse for not listening at all.

So in fairness to our critics, including those who are urging us to do better so that we can remain a pillar of world trade, I will say it myself. The problems of our economy are not matters of technology or lack of inspiration. They are personnel-related. And they are going to become steadily worse if we continue to rely solely on the high school, college and professionally trained graduates produced by our mainly white and affluent suburbs. If we rely for our industrial survival on our soon-to-be minority, the white middle-class, to meet the personnel demands of our economy, then we will find ourselves on a downward slope to disaster that will leave none of our wallets and pocketbooks unaffected. We will be in danger of fulfilling, indeed of casting in concrete, one of the most cutting of all modern Japanese proverbs, the one which declares that—quote: "Japan is a factory, Europe is a boutique, and America is a farm."

What I am going to say to you now, therefore, involves higher education but goes far beyond it. Twenty years ago, changes in the situation of our minority groups were mandated by justice, decency, ethics, good morals, and even good taste. Those considerations, derived from all of our religious traditions and all that was best in the European and American Enlightenment, are still operative, just as strongly as ever—but they have been superseded in importance by a considerably more pressing argument, the one we usually refer to as self-interest. Either we do something to bring our soon-to-be majority groups into full participation in the national economy or we watch ourselves, in terms of real money and real purchasing power, become steadily poorer.

What is needed right now, if you and I are not to experience the shock of the steadily-more-impoverished, is a Marshall Plan aimed at our own internal Third World—the world of America's center-cities and older industrial suburbs that house our wretched and our poor, including millions upon millions of children who are growing up under conditions not too different from those that apply to the half-American kids abandoned on the streets of the city formerly known as Saigon.

The Marshall Plan, however, was a relatively easy and straightforward affair once it had gained the approval of the U.S. Congress. Talent and energy, we knew, were already present in Western Europe. All that was needed was enough money for the work of industrial reconstruction, after which the European nations would once again be our major trading partners whose orders would help our own population to stay employed.

A Marshall Plan aimed at our present-day minority groups, on the other hand, would have to dedicate itself to levels of foundation-building that even George Catlett Marshall would have regarded as exceedingly difficult. We would have to devote ourselves heart and soul to healing the flaw that runs beneath our New Jerusalem, the one we have been unable to heal even with a century of sporadic effort. We would have to become very serious indeed about the future of our country, and in seeking to strengthen that future we would have to achieve full cooperation between government at all levels, education at all levels, business at all levels, and the white middle-class citizens of our nation.

Dwight Eisenhower gave his memoirs of World War Two the title "Crusade in Europe." What we need right now is a "Crusade in America." It would be a crusade motivated by positives rather than negatives. It's easy enough to devote yourself to destroying those expressly out to destroy you. It's so much harder, given the limits of human nature, to generate an equal amount of urgency when there's nothing riding on the crusade but the ability of you, your children and your grandchildren to maintain an economic level that favors happiness over unhappiness.

When the Marshall Plan was formulated, the public relations problem that had to be overcome was obvious. It was the reaction that threatened to run along the following lines:

"How dare you give all that money, garnered from our taxes, to a bunch of feckless Europeans who have gotten themselves into all that hot water? We've done enough by sacrificing so many of our boys to pull their political chestnuts out of the fire. Giving them a fortune, with the hope that they'll give it back when and if they pull themselves together, is the kind of behavior usually associated with suckers."

Today the counterarguments to a Marshall Plan for America are likely to take an even more virulent form:

"Those people have had a sufficient length of time to get themselves organized for success. They had a chance to do it for themselves. If they haven't done it by now, nothing we do is going to stand a chance of success. We've tried for over a century. Everything from the Emancipation Proclamation to Harry Truman's Fair Deal to Lyndon Johnson's Great Society has come up short. Having done all we can, there's nothing more we should feel obligated to try."

Have we in fact done all that we can? If the test of seriousness is perseverance, the establishment of policy directions that go on for decades if necessary, then we have in fact done nothing. Reconstruction in the South, after the Civil War, was soon brought to an end—and a version of the pre-Civil War system reestablished. More recent efforts, despite the media hurrahs that initially greeted them, have proven no more enduring—with exceptions like Head Start—and, therefore, no more serious. Most of all, Americans acquiesced in the creation, after the Second World War, of suburban rings around our center-cities that welcomed white middle-class Americans, their money and their businesses, while calmly leaving minorities behind in the increasingly tax-starved downtowns. Today, some of those downtowns are flourishing as a result of gentrification and new types of business activity that pass by most minority-group members—and often physically displace them into meaner surroundings or outright homelessness.

That is not a record we can be proud of. It is a record we must begin to reverse. And in the world of 1989, within which we have learned all kinds of new lessons about how human beings actually function, it is a record that will only be reversed if we keep our clearest, sharpest vision focused on the experience of minority-group or otherwise disadvantaged children, from the time of gestation to the time they enter the economy as fully productive citizens.

It was an early 19th-century poet who declared: "The child is father of the man." Today, all psychological schools and all physicians agree that the earliest experiences of our lives shape the limits within which those lives proceed to develop. Stresses imposed on a pregnant woman increase the likelihood of physical and behavioral defects in the first years of life. Growing up in an urban jungle channels the talents of young people—their entrepreneurship, if you will—in destructive and self-destructive directions. The sense that no one wants your physical presence, that you have been relegated to your circumstances like a piece of wastepaper flung into a garbage can, is not one we usually encourage in those who can do us some good.

When I talk about a Marshall Plan for America, therefore, I am talking about what used to be called a—quote—"radical restructuring" and can now be called a conservative restructuring . . . especially if we identify conservatism with fiscal prudence. George Marshall sold his plan to America's businessmen, most of them instinctively conservative, by convincing them it would conserve and advance their own interests. What was good for America then is vital for America now. Either we move forward in a new, child-focused crusade that lasts long enough to succeed—long enough to have positive results for the national economy on which we all depend—or we can kiss much of our future and our own children's futures goodbye.

I thank you.●

POLITICAL PUNCH LINES

● Mr. DECONCINI. Mr. President, I would like to draw the attention of my Senate colleagues to an insightful article, "Political Punch Lines" which appeared in the July/August 1989 issue of Campaigns and Elections. This article focuses on what I believe to be an important lesson to us all—the use of humor in the political arena.

I found accounts of the humorous doings of Arizona's two senior statesmen—Congressman Mo UDALL, of Arizona, and our former colleague in the Senate Barry Goldwater, of Arizona, especially entertaining. I think we can all agree that people like Mo and Barry have made an important contribution to Congress by reminding us not to take ourselves too seriously.

I ask that this article be printed in the CONGRESSIONAL RECORD at this point.

The article follows:

POLITICAL PUNCH LINES

(By Robert Neuman)

While their ideologies differed, U.S. Rep. Morris Udall and U.S. Sen. Henry Jackson had a good deal in common when they sought the presidency in 1976. Both were from the West—a region where the Democrats needed to broaden their appeal. Both were widely respected by their colleagues as well as the media.

And both lost.

The failure of Mo Udall and the late "Scoop" Jackson to achieve their party's highest prize underscores the importance of humor and its proper use at all levels of po-

litical endeavor. One did himself injury when he sought to employ humor; the other undermined his credibility when he failed to.

Jackson was without peer in his knowledge and authority on defense and foreign policy issues. He was admired for his work habits and integrity. And yet, there was something missing that prompted questions about his ability to move up: The man simply could not tell a joke.

Jackson's "humor gap" plagued him throughout an otherwise distinguished career. His staff despaired at the media's persistent references to the senator's tiresome speeches and stultifying delivery (the phrase "dour Norwegian" appeared regularly in profiles of Jackson). The senator's aides used coaches and technicians to enliven his style. And they urged him to pepper his speeches with one-liners in the manner of rival Mo Udall, an unquestioned master of political wit.

Jackson finally followed their advice, much to everyone's later regret.

In 1975, the senator went to a luncheon and heard a joke that struck him as topical and funny; he considered it a sure-fire winner for a speech he had to give that evening. The story went as follows:

Shortly after his emotional resignation from the presidency, Richard Nixon paid a courtesy call on Gerald Ford at the White House. As he entered the Oval Office, he tripped and bumped into a startled Ford.

"Pardon me, Jerry," said Nixon.

"I already did, Dick," replied Ford.

That night, Jackson was on the road. Introduced to an adoring audience as labor's friend, a staunch anti-Communist and a committed social liberal, Jackson had the crowd in his hand. He decided to show the press corps traveling with him that he could do as well as Udall, and he proceeded to tell the story:

"President Nixon was visiting the White House after his resignation, and as he entered the Oval Office, he tripped and bumped into President Ford.

"Excuse me, Jerry."

"Already did, Dick."

The audience was stunned. The disbelieving press corps eyed each other with looks that betrayed genuine embarrassment for the man. And Scoop Jackson took another step away from the White House.

Udall, meanwhile, was as uncomfortable with negative campaigning as Jackson was with humor.

In the crucial 1976 Wisconsin primary, he watched as his opportunity to defeat Jimmy Carter was being eaten away by other candidates cutting into Udall's support among liberals and union members. Udall's advisers told him that he had to go on the attack—especially against Jackson, long a favorite of organized labor. But Udall resisted, arguing that he could counter an opponent better with a joke than with a gut shot.

"There is no time for jokes, Mo," his advisers cried. "Jackson is going to kill you . . . you have to take him on."

Udall protested that would be out of character.

"Mo," his consultants pleaded, "the bottom line is simple. No one is taking you seriously. How are you going to talk about the economy when everyone is waiting for the punch line?"

So Udall held a press conference in Milwaukee in which he unmasked Henry Jackson as a hawk (big surprise), hostile to the environmental movement (big deal), an opponent of school desegregation (which did not go over well in South Milwaukee) and unfriendly on women's issues (ditto).

Udall was ill at ease, and his heart clearly was not in the attack. The press, accustomed to Udall flaying an opponent with a gentle barb and a joke, were shocked at Udall's assault and lapse of form. Columnist Robert Novak summed up the effort neatly in a dispatch filed from Milwaukee:

"Congressman Mo Udall tried to do a hatchet job on Henry Jackson today, a task to which he is spectacularly ill-suited."

There is an old politician's prayer that says, "Oh Lord, teach us to utter words that are gentle and tender, because tomorrow we may have to eat them." Udall had to eat his words, to say nothing of watching his chances of winning the presidential nomination taken off the table by a 7,000-vote Carter victory in Wisconsin.

Udall and his advisers learned a lesson: If you can tell a joke and are known for your sense of humor, take advantage of it—and, for God's sake, don't turn negative.

There are few people in politics today as funny as Mo Udall, as there are some who are as "dour" as Scoop Jackson. For the latter group, the lesson is: If you don't have the timing and the touch to tell a joke, don't try.

There is, however, a large group in the middle. These are politicians whose private wit could be used to advantage in their public lives, but who are simply afraid to try:

Excuse No. 1: I feel jokes detract from the seriousness of an issue or the campaign.

Excuse No. 2: I don't know any jokes that haven't been told a hundred times.

Excuse No. 3: I just can't get a joke over to an audience (memories of "Excuse me, Jerry").

Pardon me, but one does not have to be a bore to be substantive. In fact, the case can be made that politicians who use humor are more likely to be taken seriously. Such successful presidents as Abraham Lincoln, Franklin D. Roosevelt, John F. Kennedy and Ronald Reagan are a testament to that.

And the two highest-ranking Republicans in the U.S. Senate—Minority Leader Robert Dole and Minority Whip Alan Simpson—also are two of that body's wittiest members (excepting those occasions when Dole has squashed his image on national television with some dark statement).

Lincoln's use of humor during the Civil War did take some heat from political opponents and press critics. The story is told of a conversation during that terrible conflict in which two Quaker women were speaking of the protagonists. Lincoln and Jefferson Davis. One said, "I think Jefferson will succeed." Said the other, "Why dost thou think so?" Replied the first, "Because he is a praying man." "But so is Abraham a praying man." "Yes," said the first, "but the Lord will think Abraham is joking." (The Lord never would have suspected Michael Dukakis of joking.)

What Lincoln and some of his wittier successors have done is to frame their messages carefully with laboriously crafted humor, thereby building acceptance from the audience. Most of the above-mentioned political wits also have used self-deprecating humor as a way of inspiring affection from a crowd.

That lesson sometimes escaped Jimmy Carter. Early in the 1976 campaign, Carter—having finished fourth in the Massachusetts primary—was in a surly mood. On the campaign plane, Carter was stopped in the aisle by Boston Globe reporter Curtis Wilkie:

"Governor, why don't you use deprecating humor like Mo Udall?" asked the reporter. Snapped Carter: "If I had written the legislation creating the Postal Service like Udall, I'd have plenty to be self-deprecating about."

Udall's classic in self-deprecation came during the same campaign. He told of walking into a New Hampshire barber shop on the first day of his long-shot effort. Sticking his head in the door, he introduced himself to the barber and a shop full of townsmen: "Hi, Mo Udall of Arizona, I'm running for president." The barber looked up, nodded and said: "We know, we were just laughing about it this morning."

That brings us to Excuse No. 2 for not using humor in politics: originality.

Do not be afraid to steal jokes; they are in the public domain upon being told for the first time. "Buchwald's Law" (named for columnist Art Buchwald) mandates that you give credit to the author the first two times you use someone else's joke. After that, the hell with it.

Udall's barber shop joke was "borrowed" by U.S. Sen. Albert Gore, Jr. in New Hampshire during Gore's presidential bid in 1988. Gore changed the locale to a grocery story, but kept the punch line intact. The joke had such widespread currency in New Hampshire that, within 24 hours, Gore's theft had been reported in the press. That prompted a written apology from Gore to Udall, who replied that Gore was free to use that and any other joke. Udall also expressed the hope that Gore would have better luck with the jokes than he did (Gore didn't).

Finally, there is Excuse No. 3. How can a politician learn to tell a joke and avoid the Scoop Jackson syndrome?

In short, it takes hard work, practice and some self-confidence. There are few natural comedians; being humorous is a skill that can be acquired. Delivery—which includes body language, voice inflection and timing—is about three-quarters of the art. And there are now media coaches who claim the ability to turn sows' ears into silk purses.

Perhaps the most notable transformation of the 1988 campaign involved former Arizona Gov. Bruce Babbitt. In early televised appearances, Babbitt resembled a cross between Ichabod Crane and a gecko lizard; he had an unnerving manner of darting his tongue out of his mouth. By the time he left the race, Babbitt had become a candidate of polish and wit whom the press corps regularly described as the class of the field.

Babbitt's Cinderella act was the work of media trainer Michael Sheehan; in the process, he provided a glimmer of hope to every candidate who freezes on camera or stumbles over punch lines.

At the same time, there is a danger of being overcoached. When he sought the presidency in 1984, U.S. Sen. John Glenn was plagued with the Scoop Jackson Curse—he was alternately described as humorless, wooden and downright boring. To combat this, the ex-astronaut's advisers arranged for Glenn to be one of the featured speakers at the annual Gridiron Dinner, whose audience of Washington insiders provides one of the toughest tests for political wit.

Glenn's consultants left nothing to chance. They recruited the most accomplished speechwriters and political wits, and met long into the night selecting appropriate jokes and refining the senator's presentation. On the night of the Gridiron Dinner, Glenn was very, very good—but received little credit for his performance. Wrote one member of the press: "It took more people

to get John Glenn up on stage than it did to get him to orbit the Earth."

Even politicians who are masters of delivery must continually worry about the content of their humor. Jokes about ethnics, women, the poor, religion and Dan Quayle just about have been frozen out of politics, and more is the pity (about the only ethnic group safe to belittle are WASPs, because—as columnist Mark Shields points out—there is no Episcopalian Anti-Defamation League).

If you are tempted to take on any of the above individuals or groups, keep in mind Neuman's Fourth Law: "Nobody can take a joke anymore." For example, there was the time in 1984 when I was working on a Gridiron speech for former Democratic National Chairman Robert Strauss—who was being mentioned as a possible presidential candidate. As the presidential race heated up, Jesse Jackson had caused a great stir with comments (reported in the Washington Post) that were widely considered to be anti-Semitic.

With that background, I offered the following joke for delivery by Strauss: "You know, a lot of people have been talking about my running for president. And I kind of like the idea. I would work hard all week. And then, after, I would take my wife Helen by the arm and walk out of the Oval Office, across the South Lawn to the Marine Corps helicopter—and we'd fly off to Camp Hymie."

Strauss laughed until tears came out of his eyes. Then he put down the joke and said, "Too bad we can't use it." It was too Jewish, too black, and too "inside-the-Beltway."

But do not be scared off; there are plenty of targets that are in-bounds for the politician who wants to warm up his audience with some humor. For starters, there are the rich, George Bush, stockbrokers and journalists.

Of course, the best targets for political humor are politicians themselves, particularly those who work and live in Washington. As a public service to the aspiring novice, I offer a couple of sure fire jokes, free for the stealing, that feature politicians as targets. These have the advantage of being constructed so that the most prominent (or notorious) public figures of the moment can be inserted to make the joke topical.

Recommended for a Democratic audience.

The president was spending the weekend at Camp David after a particularly trying time; Congress was rebelling and his staff was riddled with internal conflict. He stole away from his Secret Service detail for a solitary walk in the woods. Suddenly, he came upon a cave entrance covered with brush: Upon entering the cave, he encountered a hermit.

"Old man," said the president. "Give me a sign. If John Sununu, James Baker and Lee Atwater jumped off the Washington Monument, who would land first?"

The old man thought a moment, and replied: "It is not important which of them would land first. It is important that they jump."

Recommended for a Republican audience.

A jogger running through the nation's capital was accosted recently by an armed robber. After taking the runner's watch and Walkman, he put a gun to the jogger's head, and demanded: "Who do you want to be the Democratic nominee in 1992—Cuomo, Nunn or Jackson?"

The jogger thought for a long moment and finally replied: "Go ahead, shoot."

THE CALL TO CONSCIENCE VIGIL

● Mr. BRADLEY. Mr. President, Emanuel and Judith Lurie, their daughter Bella and their loved ones outside the Soviet Union have waited long enough. Glasnost, or openness, appears to offer profound changes in the Soviet Union. But far from Mr. Gorbachev's whirlwind tours of Europe, away from the pomp of superpower summits and seemingly overshadowed by the democratic stirrings of the East bloc, the Luries, and others, wait.

I am encouraged by the increases in refuseniks being given permission to emigrate from the Soviet Union. In fact, it is estimated that as many as 60,000 Jews will emigrate from the Soviet Union this year—a substantial increase over the lowest levels only a few years ago. However, the measure of a society's freedom should not begin with those who have been lucky enough to benefit from the temporal whims of bureaucracy—it should begin when there are no more Luries waiting.

Mr. President, I commend the Call to Conscience Vigil for helping to raise our awareness of individuals fighting to be free. I believe that we must strongly support the right of all people to emigrate. Any Soviet restrictions on Jewish emigration are a flagrant violation of the international standard of human rights and freedom set forth by the Helsinki Final Act of 1975 and the Vienna Concluding Document signed just 6 months ago.

In 1979 Emanuel Lurie and his family first applied for visas to emigrate to Israel. In 1980 the Luries received permission to leave the Soviet Union only to have that offer rescinded shortly before their departure. Since then the Luries' older daughter, Anna, their son-in-law, their grandchildren and Mrs. Lurie's mother have been allowed to leave for Israel but the Luries have been forced to wait.

Ostensibly, the Soviets cling to the contention that Mr. Lurie, as a junior scientist at the Moscow Institute of Organic Chemistry, was exposed to state secrets over 25 years ago. Time and time again the Luries have been denied the opportunity to simply be reunited with their family. In the meantime Emanuel and Judith work within the Soviet Union to help support others attempting to emigrate.

Mr. President, this week Washington has witnessed the arrival of Judith Lurie in the United States. Mrs. Lurie traveling on a temporary tourist visa must return shortly to the Soviet Union to be with her husband and daughter—to wait. It is time that the Soviet Union recognize that the road to democratic reform requires actions that match words. The impressive steps taken to broaden the political process in the Soviet Union are laudable and it is my hope that these changes will lead to the eventual freedom of the Luries, and all who wish to emigrate.●

UNITED STATES TROOP WITHDRAWAL FROM SOUTH KOREA

● Mr. JOHNSTON. Mr. President, I urge my colleagues to read the New York Times article which appeared July 13, 1989, entitled "U.S. Considers the Once Unthinkable on Korea" written by Richard Halloran and the Wall Street Journal article which appeared July 14, 1989, entitled "U.S. Is Developing a Plan To Scale Back Its Frontline Troop Strength in Korea" written by Andy Pasztor. I feel that these articles lend additional credence to S. 1264, the "United States Forces in Kora Realignment Act of 1989" which would provide for the phased reduction of approximately 10,000 United States Army personnel stationed in the Republic of Korea. Senator BUMPERS and I along with four of our colleagues introduced this legislation on June 23, 1989.

The New York Times article states that "For the first time in nearly a decade, top Pentagon policymakers are actively developing plans to remove thousands of U.S. troops from frontline units in South Korea." However, the article goes on to state that "Secretary Cheney's cautious, behind the scenes planning effort could take years to produce even token cuts, and the rest of the Bush administration still must sign off on the idea."

Mr. President, S. 1264, as evidenced by the Pentagon planning efforts, is sound policy. It could achieve the troop reduction objective by the early 1990's while continuing to demonstrate the United States commitment to South Korean security. In these times of huge budget and trade deficits we must reevaluate our troop deployment in South Korea and around the world. I ask that these two aforementioned articles be inserted in the RECORD at this point.

The articles follow:

[From the Wall Street Journal, July 14, 1989]

U.S. IS DEVELOPING A PLAN TO SCALE BACK ITS FRONT-LINE TROOP STRENGTH IN KOREA

(By Andy Pasztor)

WASHINGTON.—For the first time in nearly a decade, top Pentagon policymakers are actively developing plans to remove thousands of U.S. troops from front-line units in South Korea.

Defense Secretary Dick Cheney is expected to deliver that bitter news to senior military officials from South Korea when they arrive at the Pentagon next week for an official visit. Their talks could mark the beginning of a sea-change in U.S. relations with a key Asian ally.

Mr. Cheney and the Pentagon's top brass won't propose an immediate, unilateral withdrawal of any of the 43,000 Army and Air Force troops currently in Korea. Those

forces have been a fixture in that part of the world for more than three decades. Rather, Pentagon aides say, the U.S. will emphasize the need to gradually scale back troop levels in Korea and the rest of Asia.

Mr. Cheney's plans are prompted in part by escalating budget pressures. In addition, the administration faces general congressional opposition to keeping troops overseas, especially in countries in the booming Pacific region. Many lawmakers claim such allies compete unfairly against American industry even while depending heavily on U.S. military protection.

The Pentagon's new stance indicates a significant shift from the Reagan administration's resistance to touching the U.S. forces facing North Korean soldiers across the demilitarized zone.

"I don't think you can rule out . . . adjustments in our presence" in Korea, Undersecretary of Defense Paul Wolfowitz told reporters recently. If cuts do become a reality, he added, they will be carefully calibrated to demonstrate continued U.S. commitment to South Korean security.

But Seoul's military leaders, apparently sensing the beginning of an upheaval in their relations with U.S., clearly are worried. Though their visit was previously scheduled for routine consultations, they are determined to secure more authority over the existing joint U.S.-Korean command structure, and to try to stave off troop reductions as long as possible.

Potential troop cuts "obviously will be one of the main agenda items" during the three days of discussions, concedes Chung Tae Ik, political counselor for the South Korean Embassy. Mr. Chung says his government seeks a firm U.S. commitment "to maintain the present level of forces."

The U.S. last considered reducing American troops in Korea in the spring of 1977, when President Jimmy Carter proposed a five-year timetable to withdraw nearly all ground forces. The idea stirred up vehement bipartisan opposition on Capitol Hill and quickly died.

But now, deficit-conscious lawmakers seem determined to push through cuts that ordinarily would be considered politically unpalatable. The Senate Armed Services Committee today is expected to approve legislative provisons calling on South Korea to increase its defense expenditures.

The number of U.S. troops in Korea peaked at 510,000 during the height of the Korean War in 1950. It dropped to a low of 37,500 in 1980, before rising substantially during the Reagan administration's defense buildup.

Secretary Cheney's cautious, behind-the-scenes planning effort could take years to produce even token cuts, and the rest of the Bush administration still must sign off on the idea. Bush administration officials are going out of their way to portray the Korean issue as part of a broader, long-range review of U.S. military posture throughout the Pacific.

But it is unlikely such reductions can be delayed indefinitely. Sen. Carl Levin, the Michigan Democrat who chairs an armed services subcommittee, says: "I'm absolutely determined to get more burden-sharing [by Pacific countries] to reduce America's military role in the region."

Several lawmakers have introduced or are drafting bills to require reductions of 10,000 or more U.S. troops in Korea by the early 1990s. Louisiana's Democratic Sen. Bennett Johnston bluntly told Mr. Cheney during a recent hearing that "negotiations ought to begin" for a phased withdrawal of U.S. forces there.

South Korean officials have demanded early written notification of any U.S. withdrawal plans. To some extent, the Seoul government itself has opened the door to possible cutbacks. Last fall, it moved to ease tensions with North Korea by proposing, among other things, negotiations over mutual troop reductions. If such steps produce results, South Korea contends, it would then be ready to discuss possible changes in U.S. troop levels.

"We aren't opposed to reductions under any circumstances," says Mr. Chung, the embassy official.

Next week's visit comes at a time when South Korean officials are seeking Bush administration support for their plan to negotiate an agreement with U.S. companies to jointly produce 120 fighter jets for Seoul's air force.

[From the New York Times, July 13, 1989]

U.S. CONSIDERS THE ONCE UNTHINKABLE ON KOREA

(By Richard Halloran)

WASHINGTON, July 11.—A decade ago, President Jimmy Carter sought to pull some American troops out of South Korea. He ran into so much opposition from military leaders, politicians and diplomats here, and from many foreign governments, that he dropped the plan.

That was then. Now a general reassessment of United States military deployment in East Asia has extended so far as to provoke the beginnings of a hard, though reluctant, look in the Pentagon at how to plan for a reduction of the 46,100 American troops in the Korean peninsula.

Political pressures from Congress on the one side and from Korean nationalists on the other are the forces they must work with, Pentagon strategists say, even as the American military is trying to keep as many American troops there as long as possible.

$100 BILLION INVESTMENT

The latest pressure from Congress comes in the form of a bill, introduced by Senator dale Bumpers, Democrat of Arkansas, that would require pulling 10,000 troops out of Korea over three years. Senator Carl Levin, Democrat of Michigan, a member of the Armed Services Committee, has urged that all but 3,000 troops be withdrawn.

And in the House, Representative Robert J. Mrazek, Democrat of Nassau, spoke for many of his colleagues in asserting, "Overwhelmingly, the American people recognize that at this particular juncture—considering the investment of almost $100 billion since 1954—that the South Koreans can pretty well take care of themselves.

In a recent response, Defense Secretary Dick Cheney gave Congress the standard public comment. The Pentagon has "no current plans" to reduce American forces in Korea, he said. But he pointed to President Bush's proposed withdrawal of 30,000 troops from Europe, saying it was possible that "such a proposal would ultimately be developed in connection with Korea."

On Friday, the Chairman of the Joint Chiefs of Staff, Adm. William J. Crowe Jr., reinforced the point to a luncheon audience at the National Press Club when he told the journalists:

ASIA NATIONALISM RISING

"There's both a military and a political content to our presence in Korea, one that has served us very well now for many years. It has kept at least contributed, to the stability of that region.

"On the other hand, I must tell you, as a military man, that with the kind of fiscal constraints that we are having put on us, then everything in our inventory is open to looking at and certainly being re-examined every year."

In Asia, meanwhile, rising nationalism has generated new cries of "Yankee, go home." With Korean forces still under United States command 36 years after the Korean war, dissidents frequently make American offices and camps targets of protests.

PRESSURE FOR CUTS GROWS

The Chosun IIbo, a leading newspaper, said in an editorial that it was "rather natural" for Washington to seek to withdraw some American forces from Korea "to whittle down its mounting fiscal and trade deficits," especially "when it weighs the wanning popularity of U.S. forces in Korea."

But many obstacles remain before a new military strategy could go into effect in Asia, not the least of which is resistance on the part of the American military to change that will cut into budgets and the size of the armed forces. No mechanism exists, such as NATO in Europe, to pull allies together. National antagonisms in Asia run deep, especially those directed at Japan.

But Pentagon officials also acknowledged that they might not be able to fend off demands from Congress while they work out a regional strategy; sentiment to slice into military spending by bringing troops home, they note, is spreading.

"All of this," an official said of the long-term plan for regional deployment the Secretary of Defense and the Joint Chiefs of Staff is working on, "depends on the time we've got."

Beyond the issues of American troop strength in Korea, the officials said, the mix of land, sea and air forces is being reassessed. In addition, allies in Asia, especially Japan, will be urged to provide more of their own defense and to pay more of the local costs of American-forces. As in the past, a threat of restrictions on trade would be the main lever.

Then there is the turmoil in China, which, as Admiral Crowe put it, "changes the calculus in the Far East" and could lead to "a genuine deterioration in our relationship." Negotiations with Moscow on arms control will also effect American deployments in Asia.

The Pentagon officials emphasized that the reassessment was in a preliminary stage and that it would take a year before recommendations would be made to the White House. If those recommendations are approved by the President, they said, they would be executed over 5 to 10 years.

U.S. TO PRESS FOR MORE

The officials said the United States would press Japan and, to a lesser extent, South Korea to pay more for American forces stationed there. The officials said Japan now spends $40,000 a year for each of the 49,600 American military men and women there, including the 36,800 on the island of Okinawa.

"That's going up," an official said "we're going to keep pushing it up."

Specifically, Japan would be urged to buy more ammunition and other supplies to sustain operations, including some from the United States to ease America's trade deficit with Japan. Japan might also be urged to buy war materiel to be stored in Japan but to be available to American forces in a crisis.

The United States stores such materiel in Europe but pays for those supplies.

"I believe that we must challenge Japan with a far broader burden-sharing framework," Senator Levin said recently. "Japan, as with other countries in the Pacific area, wishes to retain a U.S. security presence in the theater. In this broader framework, Japanese should be challenged to support U.S. forces in the Asian theater, not just in Japan."

Pentagon officials said the Administration would urge Asian nations, through senior political meetings, diplomatic contacts and the yearly meetings between the Secretary of Defense and his Asian counterparts, to take more responsibility for defending themselves, the officials said Mr. Cheney is scheduled to meet here with the Korean Minister of National Defense, Lee Sang Hoon, on Monday.●

CLEANING UP

● Mr. BURDICK. Mr. President, I rise today as chairman of the Committee on Environment and Public Works to commend to my colleagues a Newsweek magazine special report on the environment entitled "Cleaning Up" which was written by Gregg Easterbrook. Though I have a few reservations with certain of Mr. Easterbrook's assumptions, my reservations are mild compared to the thoughtfulness and evenhanded approach of his excellent work.

This article discusses programs within my committee's jurisdiction. It discusses the development of air, water, land, and hazardous waste issues from an historical perspective. And it discusses environmental issues in the context of today's America—with a viewpoint that is as refreshing as it is essentially accurate.

As all of us are painfully aware, legislating on environmental matters is often emotional and contentious, accompanied by innuendo and charges from one side or another as to whether or not someone is sufficiently in love with nature—whether someone is sufficiently concerned about the public's health. Without being sarcastic or iconoclastic "Cleaning Up" identifies all of the "sky is falling" rhetoric from all sides which those of us who have been involved in environmental issues over these many years have become used to, if not inured to.

Again, I commend this article to my colleagues' attention.

The text of the article follows:

CLEANING UP

(By Gregg Easterbrook)

In the aftermath of events like the Exxon Valdez oil spill every reference to the environment is prefaced with the adjective "fragile." Nothing could be further from the truth.

The environment is damned near indestructible. It has survived ice ages, bombardments of cosmic radiation, fluctations of the sun, reversals of the seasons caused by shifts in the planetary axis, collisions of comets and meteors bearing far more force than man's doomsday arsenals and the lightless "nuclear winters" that followed these impacts. Though mischievous, human assaults are pinpricks compared with forces of the magnitude nature is accustomed to resisting.

One aspect of the environment is genuinely delicate, though. Namely, the set of conditions favorable to human beings. Earth's ecosphere is ever in flux. Climates, configurations of the continents, dominant biological and chemical forces shift endlessly. A scant 20,000 years ago the rivers and lakes we now fret about preserving did not exist: retreating glaciers had yet to carve them. Turn back a few pages and none of the rain forests or wilderness tracts we fear "irrevocably" losing existed to lose; nor did the vast majority of current plants and animals; nor did any human forebear.

To Mother Nature our contemporary infatuation with endangered species must seem callow sentimentality, for extinction is the environment's norm: 99 percent of the creatures ever to have come into existence have vanished. Nature doesn't care if the globe is populated by trilobites or thunder lizards or people or six-eyed telepathic slugs. What nature cares about is that the ecosystem live. Should man sour the environmental conditions now slanted in our favor, creatures will rise up in our stead that thrive on murky greenhouse air, or dine on compounds human metabolisms find toxic. The full measure of the ecosystem's toughness is how little it needs us, the sea otters of Prince William Sound or any particular creature.

In the modern world even if a nation renders its own environment clean, no amount of wealth or military strength may enable it to escape the side effects of environmental abuses elsewhere. Inevitably, this suggests the coming century will hold either general environmental misfortune, the distress to be suffered everywhere, or increased international cooperation, the benefits to be shared by rich and poor alike. Perhaps the environment, the place where we all must live, will become the bond that finally brings the nations of the world together.

With these thoughts in mind we turn from the majesty of nature to mere humanity's efforts at environmental control. The article that follows attempts to sort out which ecological alarms merit worry, and which are overblown; which Environmental Protection Agency programs work and which do not. Though the subject is complex, readers should be of cheer: the environment can be understood, and the path for improvements can be lighted.

PART 1—AIR POLLUTION: IT'S ALL LEGAL

One of the largest factories in the United States, the USX Clairton Coke Works, sprawls across a bend in the Monongahela River south of Pittsburgh. This vast organism manufactures carbon feedstock for steel. Freight trains and river barges serve it like blood cells, and the ovens at the factory's core, like a heart, once started are never shut off.

Clairton also exhales. Last year it pumped nearly 6 million pounds of toxic chemicals into the Pennsylvania sky. "We do put up big numbers," admits USX vice president Philip Masciantonio. "But every one of those pounds going into the air is in total compliance with the law." Indeed. That's the point.

Much as any place might, Clairton symbolizes American progress against air pollution. Since the early 1970s the plant has dramatically reduced some types of pollution, investing $200 million in controls of smoke and sulfur. This reflects the national experience: by several measures strides have been made against air pollution. Lead, a potent poison, has nearly vanished from the U.S. sky. Levels of factory and auto smoke are down, as are emissions of sulfur and some "volatile organics," a prime ingredient in smog. Until the recent hot summers, urban ozone had diminished slightly. Given that the American population grew 21 percent during the last two decades while the economy expanded 60 percent, pollution would have been expected to worsen proportionately: moderate improvements are reason for optimism.

But failures are legion. Each year more cities violate smog standards; today two thirds of the U.S. population dwells in zones of what the EPA delicately calls "air-quality nonattainment." And though in 1970 Congress directed the EPA to restrict some 320 toxic air pollutants, in 19 years the agency has managed to complete regulations governing just seven. That's why the Clairton emissions are lawful. Poisons perfectly legal when pumped into the air include chloroform, formaldehyde, phosgene, butadiene and benzene.

In 1985 Rep. Henry Waxman of California, a leading environmentalist, issued an estimate that 80 million pounds of toxic chemicals were emitted into U.S. air each year. "Industry went haywire," Waxman said. "They denounced the figure as environmental paranoia, wildly overstated and irresponsible." Later Congress passed a bill requiring corporations to disclose their toxic output. The first statistics from the law were released recently: confessed toxic air pollution added up to 2.7 billion pounds—34 times Waxman's paranoid number.

Powering environmental protection are four key laws: the Clean Air Act of 1970; the Clean Water Act of 1972; the Resource Conservation and Recovery Act of 1976, governing solid-waste disposal, and Superfund, a 1980 statute aimed at cleaning toxic dumps. Since passage, each law has been amended or "reauthorized," a confusing process under which existing statutes are reenacted with new language; pending reauthorization of the Clean Air Act is the reason for the Bush administration antipollution proposals in the news. Each change has served to make environmental regulation much more strict, partly reflecting society's growing intolerance of pollution, partly reflecting congressional dissatisfaction with the EPA's work.

Established in 1970, the EPA is best understood as an organization that has spent its short existence in a tug of war between two conflicting political tensions, the conventional liberalism of the 1970s and the fire-breathing conservatism of the 1980s.

During the 1970s the EPA had a pronounced antibusiness flavor. Conventional liberalism then viewed industrial activity as tainted, nearly wicked; shutting down a few factories would be just desserts for the robber barons. This sentiment ingrained between the EPA and the private sector a ritual of mutual hostility and suspicion. Thus the EPA quickly won a place on the roster of Great Satans of the conservative movement that would later carry Ronald Reagan to the White House. Often it wasn't clear why: though hostile to industry in temperament, when the time came for action the EPA seemed afraid of its shadow. From the start statutory deadlines for antipollution regulations were missed by months or years. EPA life came to be dominated by droning committee sessions, court-

room-like public hearings and excruciating debates over minutiae: action slowed to a crawl. Instead of imposing rules, the EPA would issue documents with crazy names like "preliminary draft proposal" or "interim final" standards, paperwork that served mainly to sow confusion. "EPA has always done the bare minimum it could get away with," says Rep. James Florio of New Jersey.

Meanwhile the EPA was committing a fundamental legal mistake. Industry's first counterattack came in the courts: lawyers tried to stall what few regulations the EPA imposed by arguing that the agency had not demonstrated an exact scientific basis for its thinking. Instead of responding that such demonstrations were unnecessary, the EPA's process-happy hierarchy set about generating mountains of impressive studies to prove that toxics are bad for you.

This early drive for "scientific certainty" was appealing to the young EPA because it would christen the institution with academic objectivity, abjuring mere political calculation. But a monster was soon created as courts set down precedents suggesting the EPA must have a foolproof scientific basis for its actions—something Congress never intended. Since no scientist can be certain about the effect of releasing any particular pollutant into a living, reacting environment, industry found it could delay nearly any regulation simply by trotting out an expert who would testify that further study was required. The EPA has never been able to "prove" precisely which thresholds of emissions are bad, any more than industry can "prove" which are not.

Yet the most successful example of pollution control began not with a weighty corpus of scientific contemplation but a rough guess. Automobile-emission controls, mandated in 1970, simply declared a target of 90 percent reduction, then left industry to its own devices regarding how that target should be met. "It was a back-of-the-envelope calculation," explained Philip Cummings, former counsel of the Senate Environment and Public Works Committee. "We didn't have any particular methodology. We just picked what sounded like a good goal."

After the obligatory dirge of mournful protests—"Federal Standard Impossible, Auto Makers Declare" is a typical headline from 1970—Detroit hit the target without lasting pain. Today new cars produce on average only 4 percent as much pollution as 1970 models. But instead of following this simple example the EPA made pseudocertainty a fetish which now imposes a layer of delay and billable legal hours atop nearly every antipollution initiative.

In its second decade the EPA passed to Reagan, who placed the agency under Anne McGill Burford, arguably among the least qualified individuals ever to hold an important federal office. Reagan instructed that EPA rule makings be submitted to the Office of Management and Budget for review. He wanted Burford to avenge the real or imagined liberal excesses of environmentalism, while using OMB to backstop any worthwhile proposal that slid by accidentially.

Reagan staged several pitched battles against pollution controls, notably a 1982 attempt to enervate the Clean Air Act. He suffered a loss of political capital when this offensive failed, Burford resigned in disgrace and her deputy Rita Lavelle was jailed for perjury. Several executives interviewed for this story described the failed assault on the Clean Air Act as what convinced them pollution control was here to stay: if Reagan at the crest of the conservative whitecap could not reverse the momentum for environmental control, then it would not be reversed.

Renowned for a finger on the public pulse, Reagan miscalculated badly regarding the environment. Polls then showed wide support for pollution abatement: by 1988 George Bush would, at the urging of his pollsters, make ecology a campaign theme. Today polls suggest Americans consider acid rain as great a threat to U.S. security as Soviet aggression. Conspiracy theorists held that Reagan pleasured in the notion of despoiling the land: more likely his attitudes were generational.

When the prewar cohort was growing up nature was the enemy, industrialization the ally. Nature spread disease and spoiled food, savaged the countryside with floods and dust bowls. Pesticides, pharmaceuticals, dams and similar interventions held out the hope of a more civilized existence. By the time the postwar generation came along nature's excesses had been tamed, replaced by industrial excess. Paved acreage was expanding resolutely, making nature seem the aggrieved party; an expanding body of information about synthetic substances suggested civilization conferred mixed blessings. "I'm an environmentalist, as is just about everybody under 40," says Robert Grady, 31, an associate director of OMB now responsible for reviewing EPA regulations.

After 1982 Reagan never took on environmentalism directly again. But his OMB continued to pocket-veto regulations by refusing the EPA permission to print them in the Federal Register. For the second half of Reagan's term the EPA was run by Lee Thomas. Within the EPA, Thomas is admired for having fought a brilliant rearguard campaign to keep the agency animate until the next administration. No new damage was done to the EPA's mandate, while initiatives in technical areas discreetely crept forward.

Today the EPA administrator is William Reilly: if he can't make the agency effective, no one can. Former head of the Conservation Foundation, Reilly has intelligence, charm and, most important, the president's ear. Reilly has already logged more hours in the Oval Office than all his predecessors combined; the president is said to have deferred to him at meetings of senior staff, the kind of power cue that gets around Washington fast.

For Reilly, 1989 offers a fortuitous alignment of the stars. One important factor is Bush's campaign promises of environmental reform. A second, in the Senate, is the change of majority leader from Robert Byrd of West Virginia to George Mitchell of Maine. Byrd was soft on pollution; his state produces high-sulfur coal petrochemicals. Mitchell is an environmentalist from a state on which acid rain falls.

A third factor in Reilly's favor is the oil spill in Alaska. Traditionally ecological legislation passes in the wake of some mobilizing event: Superfund after Love Canal, the toxic-disclosure law after Bhopal. A fourth factor, in the House, is the ostensible conversion to environmentalism of Rep. John Dingell, a Detroit congressman who often has used his strategic committee chairmanship to obstruct environmental legislation. Now he's throwing clean-air bills in the hopper, too. The fact that even Dingell feels compelled to line up on the side of the angels indicates there simply are no respectable anti-environment positions left.

"Now Hiring," the sign on the Clairton gate read last month. "One Hundred Positions Available." With the steel industry booming again. Clairton is hiring new help, not callbacks, for the first time in more than a decade. This is a source of considerable cheer in the working-class Monongahela Valley. Yet a milestone is reflected by the fact that there now exists a local citizens' group opposed to increased production at Clairton.

Often environmentalism is seen as a cause for the affluent who make their dough in law or investment banking and want the woods clean for duck hunting. In the Mon Valley, the Kanawha Valley of West Virginia and "cancer alley" near Baton Rouge, La.—three of the worst toxic-pollution zones—those who suffer customarily shrug their shoulders. Pollution means jobs, they'll say. Fumes? Stuff can't hurt you long as you can smell it.

As emission control began to bud in the 1970s, people who live near factories came to learn that industrial activity without environmental degradation is entirely possible. And for good or ill the early 1980s recession provided an object lesson: when many factories cut back operations or sent work overseas, neighbors found their morning skies blue, their headaches and hacking coughs gone. But if Congress enacts a tough new clean-air law. USX officials warn, Clairton might have to scale back operations or even close. So here's the first of two big questions about air-pollution control: does it cost jobs?

Industry says yes, offering countless lamentations regarding a tighter clean-air act. Trouble is, industry has made the same prophecy regarding nearly every proposal for environmental management. "When I was a state's attorney in 1970. Pennsylvania passed a law mandating 50 percent reductions in air emissions," says Anthony Picadio, a Pittsburgh lawyer. Picadio was present when Edgar Speer, then president of U.S. Steel (now USX), flew to Harrisburg to meet with the governor. "Speer insisted the legislation was out of the question, totally impossible," Picadio said. "He swore U.S. Steel would shut down every plant in Pennsylvania before he'd even try to meet the requirement." The threat was idle; the rule met. "They've claimed that kind of thing every step of the way for 20 years," Picadio says.

An instructive example involves vinyl chloride, a carcinogenic raw material used in plastic manufacturing. In the 1970s this was one of the first air toxics the EPA moved to regulate. Hearing records from the period show something like clinical hysteria on the part of the plastics industry: predictions of bankurptcy, sweeping market losses. In fact, not only was vinyl chloride controlled with admirable effect, in the process a technique was discovered that reduced the cost of plastics manufacturing. "Vinyl-chloride control turned out to make the industry stronger, not weaker," says Jerry Martin, director of environmental affairs for Dow Chemical Co.

One reason industries cry wolf, according to Senator Mitchell, is that they believe their own press releases. "The basic way to address acid rain are either to add smokestack scrubbers or switch from high-sulfur coal to other fuels," Mitchell said. "Every year the utility companies count up capital costs as if every plant installed scribbers, and the unions count up mining jobs lost as if every plant switched fuel, then they combine the figures and come up here yelling 'Oh my God!' "

Another cause for wolf cry is that cost estimates are based on technology available at the time a cutback is proposed. "Before a

regulation exist, industry has little incentive to invent effective controls," says David Doniger, author of a book on vinyl chloride. "Invariably industry later finds better and cheaper ways to cut emissions, so actual costs are nowhere near the dire predictions."

Lobbyists develop contact amnesia when challenged to name a specific example of a factory that has actually closed because of environmental regulation. "You can't find examples because they don't exist," says Martin Rivers, head of the Air and Waste Management Association, an industry group. That's not quite true. In the last decade several copper smelters, notoriously dirty enterprises, shut down under environmental pressure. The Avtex Fibers rayon factory in Front Royal, Va.—source of an amazing 38 percent of toxic air pollution in that state, according to EPA figures—might close if compelled to cleanliness. "But in cases like that the plant is antiquated or in a troubled industry or both. It would probably fail anyway," Rivers continued. Even without pollution abatement, Avtex nearly shut down last fall.

Not all companies resist progress on the environment. The smart ones recognize that controls are only going to get tighter, and plan accordingly. "Whenever we propose regulations we get deluged with angry letters from industry," says John DeVillars, chief environmental official for Massachusetts. "What strikes me is the companies we don't hear from. Those are the ones whose energies are focused on innovating looking ahead of the market. They're the ones that will come out on top."

But the trade associations that are industry's spear chuckers on Capitol Hill are driven by lowest-common-denominator politics. Their worst-run members, needing protection most, squeal most; so when lobbyists head to the Hill it is with the entreaties of industry's least deserving in mind. In a self-fulfilling cycle, lobbyists have an incentive to horripilate corporate managers by exaggerating the potential burden of regulations: this makes the client willing to pay the lobbyist his breathtaking retainer.

A related debate concerns whether environmentalism helps or hurts the economy as a whole. Some jobs in some places are surely lost, as acid-rain legislation will reduce mining employment in high-sulfur coal belts. Yet the same legislation will cause scrubber manufacturers and producers of low-sulfur coal to start hiring. Aspects of the housing, recreation and tourism industries depend on clean environments. Potentially huge savings in health-care costs are engendered: one estimate puts medical bills avoided by pollution control at $40 billion per year.

In Clairton's case, USX officials declare that foreign competition, not cost, is the real defect of ecological regulation. "We have to sell against foreign competitors who have nothing like our level of antipollution costs," Masciantonio said.

Such complaints don't hold water for much of American industry. Auto-emission controls, for instance, lend no comfort to Japanese and German carmakers, as every car sold in the United States must meet the standards. If anything, the controls confer a comparative advantage on Detroit. U.S. firms enjoy an economy of scale since all their production is EPA-equipped, while foreign competitors must design special systems for cars sold here.

But USX has a point about commodities like steel: about 27 percent of steel imports come from countries where manufacturers can pollute at will. Though Japan and Western Europe have tough environmental standards, anyone who travels the Third World quickly discovers it's fantasy that the industrial countries are the polluted ones. Air quality in Mexico City, New Delhi or Lagos makes Pasadena at noon seem like a mountain health spa. General pollution in Taiwan, South Korea, Poland, Brazil, Indonesia and other developing nations far surpasses the West's.

Cold free-market analysis of this situation says Fine. The environment of the West is worth more, measured by property values, than in the developing world: so why not shift pollution there? Health in the West, measured by the courtroom standard of lifetime-earnings potential in dollars, is worth dramatically more than Third World health measured in bahts or rupees. So why not let somebody else get sick while enjoying cheap products made possible by distant pollution?

Shifting society's pollution to other lands is no more acceptable than exporting uncertified drugs. One of the Bush administration's first acts was a selfless order that U.S. firms not ship toxic wastes to undeveloped countries. Another step in the right direction might be a "pollution tariff"—a levy on products imported from countries not making good-faith steps toward ecological control. That would help American industry while pressuring foreign governments to protect their own citizens and workers.

Now the second big question—what air-pollution bill should Congress pass this year? Nearly everybody agrees the existing Clean Air Act is a disappointment. For smog it established excessively complex "attainment zones" that made upwind cities smile, downwind cities weep. Its clauses threatening loss of federal funds are a standing joke: dozens of cities flunked an EPA smog test last August, and not a finger was lifted. The law tolerates one of regulatory history's premier ruses, the 1,000-foot smokestack. Operators of coal-fired power plants built these towers so emissions would be carried up into the high winds. Then they looked around with Cheshire-cat grins saying, "Pollution? What pollution?" And the act distinguishes between new sources of emissions, which are very tightly regulated, and existing sources, which are nearly exempt. This gives corporations an incentive to keep old, inefficient plants in operation rather than build advanced products in new facilities.

Competing for a new law are Bush's bill and a package championed by Representatives Waxman, Florio and a huge list of Democrats. Each proposal is divided into three segments: acid rain, air toxics and smog. Dramatic legislation is possible in the Gramm-Rudman milieu because none of the initiatives involves significant federal spending. Costs (up to $19 billion per year for the Bush plan) would be imposed on industry, ultimately financed by consumer prices.

Acid rain involves the fewest uncertainties, since cause and cure are well known. Antiquated coal-fired power plants are the primary source of sulfur dioxide, the chief acid-rain precursor. Just 50 generating stations, most located in the Midwest, account for fully half of U.S. sulfur pollution. Bush proposes cutting sulfur-dioxide emissions by nearly 50-percent. Allies of the United Mine Workers, whose members mine high-sulfur coal, will fight to tack on scrubber subsidies that would help generating stations continue using this fuel; Midwestern congressmen will try to add subsidies for affected power cooperatives.

The Bush plan includes "emissions trading," a system of permits that may be bought and sold on the open market. Emission trading sounds weird, and is sure to inspire a few outraged stories about giant corporations profiting from the right to expel sulfur above idyllic Ohio towns. But nearly everyone who studies pollution regulation concludes that what's missing is a positive inducement that works from the bottom up, supplanting the conventional structure of costs imposed from the top down. Emission trading will allow engineers rather than regulators to judge which factories can meet standards most efficiently while adding a profit motive for inventing improved controls.

Debate over air-toxics legislation will be hard to follow, as regulatory lingo here is thick. The existing Clean Air Act is a "health standards" instrument. It contains ringing declarations that public health takes precedence over the cost or feasibility of pollution-control systems. This language rings much better than it regulates. Courts have interpreted the act as requiring emissions to decline to zero; a fine goal for the 21st century, but unattainable today.

The EPA attempted to work around this problem by adapting "risk management." Experts dueled and studies clashed over what level of danger is "negligible"—one additional cancer in 10,000 people? In a million? Ultimately risk management was tossed into limbo by a complex court order from none other than Robert Bork.

Now Bush proposes that air toxics be cut via "technology" standards that skip the health debate altogether, simply requiring that factories lower emissions to whatever can be achieved by the best antipollution devices available. This appears a straightforward means for knocking out the bulk of air toxics, allowing any residual risks to be debated at leisure. Technology standards have no scientific certainty component. The White House projects its proposal would reduce air toxics 75 to 90 percent: there is no theoretical underpinning to the target, chosen strictly because it seemed practical. Thus the idea resembles the "performance" standards that worked well against auto emissions.

For years environmentalists put up a united front against technology standards because writing this concept into law would formally acknowledge there are limits to how much society should spend to avoid the last few cancer cases. Recently, however, Representative Waxman introduced an air-toxics bill embracing the technology approach. Though much stronger than Bush's, its agreement in principle is a hopeful sign.

In the urban-smog category most Bush strategies concern cars, trucks and everyday consumer items. While it's comforting to think that distant corporations are solely to blame for savaging the environment, in cities the villain is the man in the street. Forty percent of smog comes from automobiles. Another 40 percent derives from bakeries, dry cleaners and consumer products; only 15 percent from industry. (Dry cleaners use solvents that emit fumes; baking of your daily bread releases yeast byproducts which sunlight changes to ozone.) Automobiles also emit nitrous oxides, an acid-rain source, plus several air toxics.

Bush proposes that all cars sold in the United States meet the California tailpipe-emission standard, more stringent than its federal counterpart, and that emission limits be extended to light trucks. He calls for stricter inspection programs to ensure

that auto antismog equipment is in working order; vapor-recovery nozzles on gas pumps; regulation of evaporative consumer products such as paint thinner, and various technical goals under a trading program allowing auto manufacturers and oil companies to sort out the specifics themselves.

Further, gas stations in smog areas would be permitted to sell only "oxygenated" gasoline, a blend similar to gasohol having superior combustion properties. Already Reilly has ordered oil refiners to reduce gasoline "volatility" by removing additives that evaporate; further reductions will be required in the early 1990s. Tinkering with fuel affords faster paybacks than tightening new vehicle standards, since the benefits spread to cars already in use.

Most dramatically, Bush proposes that by 1997 about 10 percent of new cars be powered by methanol, ethanol or compressed natural gas, fuels inherently lower in pollution than petroleum. Sales would be concentrated in the worst ozone areas: Los Angeles, Houston, New York, Milwaukee, Baltimore, Philadelphia, suburban Connecticut, San Diego, and Chicago. Bush believes his initiatives would cut U.S. smog emissions by 45 percent.

The advent of cars emitting far less pollution than 1970 models has failed to eradicate smog because there are now 55 percent more cars on the road, traveling more net miles. That the auto population grows much faster than the people population—two-car families now typically being three- or even four-car fleets—may be a sign of American prosperity, but guarantees a built-in losing cycle against smog. Absent progress toward alternative fuels, increases in total cars and miles driven will steadily worsen air quality even as individual new cars become cleaner still.

Of course we all know that if only everybody else would get off the road, car-caused social problems would vanish. Los Angeles, car and smog capital (148 days last year in violation of the EPA ozone standard), indicates where the country's future lies unless firm steps are taken. Recently the L.A. air-quality authority unveiled a master plan under which gasoline power would be banned by the year 2007. Sooner will come limits on cars per family, rules against free parking, mandatory car-pooling. "People complain we're getting into intrusive lifestyle issues," says Anne Baker, an official of the Southern California Association of Governments. "Isn't being stuck on the freeway in a two-hour traffic jam a bit of a lifestyle intrusion, too?"

Voters are sure to be snowed under by the swirl of statistics and buzzwords the coming debate about the Clean Air Act will generate. One way to cut through the confusion is this: it doesn't really matter precisely which language triumphs. What matters is that every year regulations become a little tighter; business gets the message a little louder; tolerance of pollution declines. Any of the major clean-air initiatives will accomplish these goals.

And whatever cries of woe industry may utter, air-pollution control need not mean hardship. Case in point: complying with the disclosure law, Monsanto recently revealed that in 1987 it released 19.5 million pounds of toxics into the air. After seeing those numbers chairman Richard Mahoney decreed his company would voluntarily cut air emissions by 90 percent, while establishing a corporate goal of zero emissions. Monsanto says it can achieve the reduction within current capital budgets.

"We don't think our emissions represent any hazard," Mahoney said. "But the public has spoken, and it's unmistakable they will no longer tolerate toxic emissions. Might as well get on with it."

Monsanto is not the only company to take the pledge. Union Carbide and Hoffman LaRocke have voluntarily committed themselves to dramatic reduction. Both likewise acknowledge public pressure, a faster and more flexible regulatory mechanism than any law. Neither moans that jobs will be lost or zillions of dollars expended. They're just getting on with it.

PART 2—WATER POLLUTION: VISIBLE RESULTS

Boston Harbor has played a role in two presidential elections. A tea party there helped make George Washington the first president. Sewage there helped make George Bush president number 41.

Candidate Bush was correct to call Boston waters filthy. Tons of disgusting slop from toilets and factories pour directly into the inlet 24 hours a day, along with more "effluent," a polite name for rank waste water, than the flow of the Charles River. At the Boston Aquarium, kids gawk at an MIT computer model of the sludge mass that undulates around the harbor mouth, sliding in and out with the tides.

What Candidate Bush didn't tell you is that well before the damning Boston Harbor commercial, a Massachusetts state authority broke ground for the most ambitious water-cleansing system in U.S. history, a $6.1 billion complex of machinery and plumbing. Residents are paying for the project themselves, not relying on federal subsidies. Then again, Candidate Dukakis didn't tell you this either. Oh well.

A sign of progress is that Boston is one of the few important places still without modern sewage treatment. New York City and New Jersey are the other big offenders: both still dump sludge into the Atlantic using East 106, an EPA-sanctioned discharge point 106 miles off Cape May, N.J., and a candidate for Most Disgusting Place on Earth. (It's on the navigation charts; sailors have gotten pretty good at steering around.) But thanks to the strictures of the Clean Water Act and federal distribution of $50 billion in treatment grants, most cities now have modern sewage control.

Water quality is the success story of U.S. antipollution efforts. Dangerous chemicals discharged to waterways equal less than one fifth the amount pumped into the air, according to EPA figures. Drinking-water supplies, though in places imperiled, are in the main safe. The most disturbing ecological image of the 1960s—junk pouring directly into a stream—is history thanks to the National Pollutant Discharge Elimination System (NPDES). Under the NPDES any "pointsource" pumping fluids into a river or lake must obtain an easily revoked permit specifying what the discharge can contain. Because point sources are fairly easy to spot, the NPDES has stopped most deliberate pollution of water bodies.

Payback has come quickly. Water quality in the Great Lakes, Chesapeake Bay and elsewhere is on the rebound. Lake Erie, pronounced dead in the 1960s, is looking lively. Infamous "flammable rivers" such as the Cuyahoga are no longer threats to ignite; channels like the Potomac are close to being swimmable again.

Such rapid recoveries indicate two things. First, the resiliency of the ecology. The environment is a living system, able to retaliate against pollutants. The failure of Exxon's carelessness to "destroy" Prince William Sound is best understood by recalling that petroleum leaks from the earth's crust into the ecosphere on a constant basis. Conceptually what Exxon did was reposition a natural contaminant from inside a rock formation to the surface of a water body, where natural forces (wave action, bacteria, sunlight) immediately began acting in opposition to the intrusion.

Second, relatively fast recovery of water bodies teaches an important political lesson about environmentalism: that it's a tunnel with a bright, cheery light at the end. "In so much of politics you have no idea whether you are doing any good," says Paul Levy, head of the authority building the Boston system. "Ecological control produces visible, satisfying results. Nature can't recover till you stop polluting. But once you do she works amazingly fast."

An irony of success against water pollution is that it greatly increases stress on water treatment: pollutants that once went into rivers may now go down the drain instead. And "the better your water treatment gets, the worse your sludge problem becomes," according to Richard Fox, Boston's construction manager.

Some environmental gains, like pollution prevention, benefit everyone. When Polaroid discovered a way to remove mercury from its film packs the company cut costs while society enjoyed the elimination of a category of poisonous waste. But others are zero-sum: blocking pollutants from one destination only diverts them to another. Modern water treatment offers much-improved ability to extract sludge, but then you're stuck with the sludge.

Incineration is one option. At the Blue Plains plant outside Washington, D.C., officials want to burn half of the sludge tonnage their system generates. But Congress voted strong language opposing sludge incineration, so permits have been denied. The EPA wants sludge recycled into fertilizer, which is what Boston will attempt. People who will live adjacent to the sludge processor are beside themselves in their opposition: partly because of the Nimby (Not In My Backyard) Reflex, partly because sludge processors "don't exactly have a great track record," Fox admits.

Boston may be able to market the product. Though sludge fertilizer is on paper great stuff, farmers are wary of consumer reactions. Never mind that it would be inconsistent for the public to demand that sludge not be dumped or landfilled or incinerated, then also demand that sludge not be recycled. In the Nimby Era these are the kinds of problems municipal officials face.

The Clean Water Act contains two loopholes. Fines are modest: Exxon's penalty for the Alaska spill probably will be $50,000, though other damages will drive the grand total far higher. And the act is lax on "nonpoint" pollution, runoff from streets and farmers' fields. "Nonpoint control is the largest area of failure in environmental policy," Reilly says.

Today just 9 percent of stream pollution comes from industry. Fully 65 percent is nonpoint, primarily from agriculture. It's one thing for congressmen to deliver speeches blasting corporations for defiling the countryside, another to call the friendly farmer to task. The EPA has authority to certify pesticides but little ability to restrict their use to prevent runoff pollution; Congress worries about pesticide residues that end up in food but has been gun-shy about the link between agricultural chemicals and pollution.

Here's a water-pollution vignette that sums up many dynamics in environmental affairs today. Ciba-Geigy, the chemical conglomerate, has a dye factory in Toms River, N.J. For years the plant discharged foul process water to the Atlantic via pipelines that moved the pollution just far enough offshore to be out of sight, out of mind. It wasn't alone: nearby municipal waterworks also spewed grubby water to the ocean. So in a sense Jersey citizens were just as guilty as Ciba-Geigy. They didn't want to know where their toilet water was going, or pay the higher rates required to clean it properly.

About a decade ago environmental groups started pressuring Ciba-Geigy to reform. After the obligatory hemming and hawing something clicked in the corporate boardroom: the company built a state-of-the-art water-treatment facility. Today the plant pumps to the Atlantic water that is nearly potable: significantly nicer than the discharge of some public waterworks on the New Jersey shore.

This hasn't done the company the slightest good. Ciba-Geigy is phasing out the dye operation and wanted to replace it with a modern pharmaceuticals factory. But when the company applied for permission to run water from the new plant through its high-tech cleansers, public reaction was violently negative. "Our polls showed people are just incredibly opposed to any ocean discharge," Ciba-Geigy spokesman Mark Ryan said. "Whether the water is clean is no longer an issue. They don't even want to discuss that aspect." Recently the New Jersey counterpart of the EPA gave Ciba-Geigy an award for pollution control—then, under pressure, rejected the application for a new permit. Construction plans were abandoned.

Shed no tears for Ciba-Geigy. The company was once irresponsible toward the environment, and if a deferred price is now paid, those are the breaks. But what about people who might have had jobs in the new plant—clean jobs, in a factory with safer new technology? What about the weight of anxiety on nearby residents, and millions of Americans, falsely convinced the environment around them is damaged beyond hope?

PART 3—YESTERDAY'S TOXICS: SUPERFUND

The Demode Road dump site in rural Rose Township, Mich., is in principle among the most dangerous places in the United States. Once 5,000 drums of toxic wastes were scattered there. They leaked PCB's, poisons and carcinogens onto the pristine land. Today the wooded tract is surrounded by barbed wire and signs warning of a Superfund site.

Inside the fence Demode Road does not appear particularly scary. "The bad part of showing you this site," said Robert Hayes of the Michigan Department of Natural Resources, "is that it doesn't look horrible." Trees and grasses grow; deer, owl, and rabbit abound. Since people started leaving Demode Road alone, animals find it an agreeable habitat.

In fact, Demode Road is sort of boring. Today most Superfund sites are. During the early Superfund years many discoveries were dramatic: valleys of drums, vile potions oozing from the earth. Most such urgent health threats have now been addressed. What remains are thousands of locations where contaminants permeate the ground and nobody quite knows what to do about it. Of 1,224 sites on the formal Superfund inventory, just 27 have been "delisted" as fully clean. For this reason congressmen regularly lambast Superfund as a fiasco. The writer Betsy Carpenter calls the program Superflop.

Toxic dumping at Demode Road took place during the 1960s. Like many environmental abuses of the time, it was no secret to the authorities. Records show local officials received frequent complaints about trucks reeking of alchemy cutting down the rustic back roads after sunset: no action was taken. When Love Canal hit the headlines in 1978, Demode Road was discovered. A new state commission swooped into town, declaring a "toxic-substance emergency." The barrels were picked up by men in moon suits, hauled off to a supposedly secure facility that was itself later declared a Superfund site. But about the chemicals that had penetrated the ground, nothing was done. These qualified Demode Road for Superfund.

Gisela King, who moved to Rose Township "to escape the pollution and noise of the city," recalls the numbing effect of the phrase *toxic-substance emergency.* People whose horses or livestock had died recently had no way to know whether the dump was to blame, or if they'd be next. "Back then we were flabbergasted when they announced it would be eight years till cleanup was completed," King said. Ten years later the cleanup has yet to begin.

Superfund has three basic provisions. First, a tax on chemical manufacturers, to create the fund. Second, federal authority over places contaminated with toxics. Third, legal presumption of "joint and several" liability for any firm whose wastes are found in a dump: meaning a company responsible for a single barrel may be liable for the entire cost of restoring a site.

Cleanups may be financed directly from the fund, which contains $8.5 billion; later, federal attorneys sue responsible parties to recover costs. If the accountable cooperate, the EPA seeks payment in advance. This happened at Demode Road. TRW, Ford, Chrysler, Hoeschst Celanese and others owned up that their wastes were present, though maintaining they hadn't a clue how they got there.

Advancing to cleanup is laborious even when companies cooperate. Multiple tiers of hearings, appeals, studies and reviews of studies are required. Partly because of an EPA personnel freeze, more than 80 percent of Superfund spending has gone to consultants and their kinsmen, who have a pecuniary interest in dragging the process out: to keep the meter running.

Nearby residents typically want every shovelful of tainted soil dug up and shipped far, far away. That makes plenty of sense to them; little sense for society as a whole. EPA managers often propose "cap and contain": packing clay and synthetic barriers around the tainted soil, then enlarging the warning signs. Usually this is sufficient to prevent toxics from moving, but land is not cleaned in any sense acceptable to locals: rather, written off for the time being. Cap and contain is the only technique that would allow the EPA to remove sites from the danger list fast. It is under enormous pressure from Congress and the press to produce "numbers"—body counts of subtractions from the Superfund inventory. It's also under pressure to restore land to a pristine standard. The two goals are incompatible.

Another option is incineration. This ensures that toxics are destroyed, but is very expensive. "If we practiced incineration everywhere we would quickly exhaust the fund, and what would that accomplish?" asked John Cannon, the official now overseeing Superfund. For instance there's a particularly nagging Superfund site in Uniontown, Ohio, where residents want an incineration cleanup estimated to cost $500 million: more than the land in question, restored, is ever likely to be worth. Between cheap capping and costly incineration are midpriced experimental approaches such as chemical-munching microbes and "washing": deluging a site with water, then collecting and treating the runoff.

Following years of lumbering over Demode Road, the EPA published a formal decision saying all tainted soils would be incinerated, estimated cost $34 million. Residents were delighted; environmentalists hailed the decision. Then last summer the EPA reversed itself. The agency signed a consent decree with the responsible parties specifying that most of the site would be subjected to soil washing, estimated cost $14 million.

"It was strictly a money thing," said Kevin Adler, the EPA's project manager. The maximum the companies would pay voluntarily was $14 million; any more and they'd take the EPA to court. Superfund is under an additional level of pressure, from OMB, to settle with companies rather than finance cleanups directly. So long as Superfund reserves are not spent, they can be applied to offsetting the federal deficit.

When the change of plans was announced, Rose Township achieved a heightened level of consciousness. At a meeting, local residents screamed at EPA officials; suits were filed to block the deal. Now the whole situation is back in stalemate.

Rose Township residents were livid mainly because the new plan leaves them hanging. With soil washing, the EPA admitted, it might be a decade before anyone could determine whether the technique worked. If not, there might ensue another decade of studies, hearings and legalistic Kabuki. Meanwhile local public health would be devasted. Or would it?

Two years ago some EPA analysts set off a shock wave in the environmental community by producing a report declaring Superfund sites vastly overrated as health hazards. The report was written in technobabble, so received little public attention. Translated, the conclusions were stunning: "inactive hazardous wastes sites" finished down at number eight in a ranking of environmental cancer risks. The report suggested that the furor over Superfund diverts attention from more pressing problems such as radon and stratospheric ozone depletion.

Here's the argument: toxic-waste sites pose a threat to the tiny number of people who live right next door, but no one else. After all, chemicals can't hurt you unless you are exposed to them, and those in the ground move incredibly slowly, sometimes taking years to advance a few feet. Air pollution is such a broad health worry because it is the ideal medium for widespread exposure. Once in the air, pollutants can go anywhere; recapturing or treating them is impossible; people inhale huge volumes of air, up to 20,000 liters per day, giving a high statistical likelihood of swallowing airborne chemicals. Toxic-waste sites are the reverse, chemicals localized in a way that makes exposure improbable.

Consider that if even half the "poisoning of America" stories were true, people would be dropping like flies. Yet by almost all measures, U.S. public health is improving, not declining. James Enstrom, a cancer epidemiologist at UCLA, has calculated that if

mortality rates from 1940 applied to 1988, 4 million Americans would have passed on last year. Instead, 2.2 million died. This represents a spectacular increase in net public health occurring during the same period when prevalence of chemicals, pesticides and radioactive substances expanded exponentially.

It is now 10 years after the evacuation of Love Canal, one of the most callous toxic-waste sites ever: 22,000 tons of chemicals under a schoolyard. Several children of families immediately nearby had bone deficiencies, cleft palates or mild retardation; one 7-year-old died of kidney disease. But no drastic health problems struck the community as a whole.

At most Superfund sites the principal public-health impact has been not physical illness but mental anguish. Animals are drinking from the ponds at Demode Road and thriving. They couldn't do so—especially small creatures with low body weights—if the chemicals present were a menace to the degree the public has been led to believe. One of the largest Superfund sites is the 27 square miles of Rocky Mountain Arsenal, an old munitions plant near Denver. Once nerve and mustard gas were made there, the manufacturing byproducts strewn willy-nilly. Cleanup estimates run to $3 billion; work may be complicated by the fact that the land may be declared a wildlife sanctuary. When Homo sapiens fenced off the arsenal, eagle, hawk, deer and other species took over. Now there are bus tours for wildlife lovers. Bus tours of a toxic-waste site. This does not demonstrate that Superfund sites are wonderful places for a picnic, simply hyped as health threats.

Several groups have reasons for resisting this message. For the EPA, Superfund is the agency's sole major new funding flow. For environmentalists, toxic wastes represent an issue where everyone is completely scared to death, which has become an environmentalist agenda item. For the media, toxic waste is a great story. People living next door to Superfund sites are frightened, fed up and highly emotional, which means good copy. They are visual victims, television's most prized commodity. Stories can focus on their outrage without having to broach complexities.

"Now that I've studied the issues I realize factories are a greater health concern than Superfund sites," King said. "But people are sick of hearing about these places, just sick of it. We want them cleaned up so we can put the issue out of our minds."

There is cause to hope Superfund will begin to perform. Bear in mind nearly all the program's operational life has been under Ronald Reagan, a president hostile to its mission. "The main thing missing from Superfund has been a failure to instill in corporations a sense that prosecution is inevitable if they don't voluntarily settle," Reilly says. Bush has pledged stepped-up enforcement: companies may find it in their interest to become cooperative.

Laws like Superfund also have a power widely overlooked, their liability impact. A Xerox factory near Rochester, N.Y., recently paid a $95,000 fine for failing to report in a timely fashion that trichloroethylene was seeping toward wells of nearby homes. Xerox then paid $4.75 million to two families with poisoned wells. Take a guess which figure catches the eye of corporate managers.

Owing to liability trepidation, creation of new toxic dumps has nearly stopped during the 1980s, most observers believe: an accomplishment easily overlooked, since the absence of problems is rarely remarked on. "We also think there's been a great deal of 'midnight cleanup'," said William Roberts, an aid to Representative Florio. "Firms clean sites privately to keep them off the Superfund list. So far, more good has probably been done this way than through formal EPA intervention."

Post-Superfund, liability judgments involving toxics can only get bigger. Ultimately, this may have more restraining effect on industry than all copies of the Federal Register combined.

PART 4—TODAY'S TOXICS: DISPOSAL

The Pinewood, S. C., "secure" landfill of the GSX Corp. is among the dwindling number of facilities with legal permission to accept the type of wastes once tossed onto the fields of Rose Township. Pinewood is modern, well engineered and scrupulously clean. Everybody hates it.

Demonstrators have lain before trucks at Pinewood's gate. Environmentalists nationwide condemn the facility; congressional subcommittees have held inquiries; thousands have attended local protest meetings. One of the largest secure landfills in the country, Pinewood accepts 135,000 tons of hazardous wastes annually. Since 1980 Pinewood has operated on an interim EPA permit. Its application for a final license runs 30 hardbound volumes.

A law passed by Congress in 1984 had at its centerpiece a stringent "land ban". Wastes such as PCB's and dioxins were land-banned immediately: basically, compounds like these may now be disposed of only via neutralization or destruction in high-temperature incinerators, never placed in the ground. For other chemicals the law wielded "hammers", a creative new countermeasure to EPA foot dragging. The EPA was given deadlines by which to promulgate rules on how various toxics should be treated. If the agency failed to act on time it would be "hammered"—further bans would take effect automatically. That got even the Reagan administration's attention, and regulations began to flow.

Five years later most hazardous wastes have been "listed" by the EPA, and cannot be buried unless first treated or solidified. In May 1990, a sledgehammer falls: it will become illegal in the United States to dispose of nearly any untreated chemical.

Most trucks entering Pinewood carry chemicals already on a hammer list. Samples are processed in a lab equipped with chromatographs, spectrometers and other expensive gizmos to see if content matches what the shipper declared on an EPA manifest. Chemicals too hot to handle may be sent to a GSX incinerator in a nearby town. Legal compounds are mixed with clay derivative similar to Kitty Litter or with kiln dust to form low-grade cement. Then they are drummed and lined up in huge gashes in the earth decorously called "cells".

Under most cells are two layers of compacted clay, which is highly resistant to liquids, plus two synthetic liners. Between these are sumps to collect rainwater that may leach through, pumping it up for destruction in the GSX incinerator. Around the cells are ground-water monitors. An inspector from the South Carolina Department of Health and Environmental Control is present at all times; the inspectors rotate, making them harder to buy off.

When filled, a cell is covered with more clay and high-density polyethylene, the polyethylene ridges are welded, the cover landscaped. On the GSX computer is a 3-D record of which waste sits where in the grid in case the cells have to be excavated someday. In theory they will remain forever. At present rates Pinewood will be in operation till the year 2030.

Less than 1,000 yards down the hydraulic gradient from the GSX property line is a lovely sportsman's paradise, Lake Marion. The proximity of this water, plus technical details of local soil strata, are the chief reasons environmentalists oppose Pinewood. Scientists paid by GSX swear that even if chemicals escaped the cells it would take nearly a hundred years for them to reach the lake; scientists with environmental groups swear this could happen far faster. Because Lake Marion is infested with marine plants that inhibit sports fishing, its surface has been regularly sprayed with herbicide. Under "hammer" rules, GSX would have to neutralize the same herbicides just to enclose them in welded cells. If chemicals ever do escape Pinewood and migrate to Lake Marion, they will arrive in concentrations vastly lower than what's applied directly to the water on purpose.

As a young reporter in the late 1970s, I covered the original round of toxic-waste horror stories, trooping across many government-sanctioned hazardous landfills. Compared with them, Pinewood is a hospital operating theater. At one facility near Los Angeles there were big pits in the ground; trucks would drive up and pour chemicals straight into them. No treatment, no liners, no sumps, no 3-D computer records. The lab consisted of a dingy trailer with a few test tubes; as an "inspection", the guard placed his hand on a truck's side to feel if it was hot, which would indicate the chemicals within were reacting. Places like Pinewood may only be steps along the way to a fully accountable system for managing society's dangerous byproducts. But they are so much better than what we had just a decade ago that it's not funny.

Any burying of hazardous byproducts in verdant soil may sound barbarous. It is: ideally all waste toxics should be destroyed or chemically broken down, preferably while still inside factory gates. On a practical basis industry can't do that yet; and inert hazardous materials such as heavy metals will probably always go into landfills. One obstacle to ideal disposal is that consumers will pay higher prices if better techniques are applied to every product that contains a hazardous chemical or requires use of one during manufacture, which is to say nearly every product. The acid in flashlight batteries, for example, is an EPA-restricted corrosive; hair mousse contains propane. Companies do not manufacture toxics because they get their jollies that way. Toxics are manufactured because consumers want the products they make possible.

Though businessmen whined piteously about the expense of using improved facilities like Pinewood, most are learning to live with it. "Our customers are an even greater regulatory force on us than EPA," Roger Davis, a GSX vice president, said. "They send auditors here to ensure our site conforms to RCRA, because they're intensely concerned about their liability if we slip up." After Davis crowed about the environmental safeguards at Pinewood, I asked whether the company would have installed them if not for government and public pressure. He answered simply, "No." But GSX and other disposal firms are learning to live with strictness as well. "Now we recognize that the waste industry benefits from tight regulation. It put the midnight dumpers out

of business, so we have no cut-rate competition," Davis added.

New liability standards have persuaded many factory managers not to let anyone else, who might slip up, touch their toxics. Today just 4 percent of industrial hazardous wastes are sent to facilities like Pinewood; the rest is handled at the point of production. Much on-site disposal involves a technique called "deep injection," which sends toxics down to the briny part of the water table, theoretically beneath the zones tapped for drinking water. Deep injection is probably safe, though nobody has paid much attention to it. Nearly all public concern has focused on commercial sites where trucks can be seen entering a gate. Such places are just part of the story: as they shut down, the public may be lulled into thinking that toxics have gone away. They won't have.

Nobody wants a facility like Pinewood nearby because of the Nimby Reflex. Contrary to what you've heard lately, this reflex is not all bad. "Nimby has created many positives," says Henry Cole of the Clean Water Action Project. "It forces people to come to terms with where their wastes go, forces society to seek better alternatives." Many environmental offenses were facilitated by the old out-of-sight, out-of-mind complacency. If today's demonstrations against reasonable facilities like Pinewood are overreactions, at least they keep the pressure cranked up on industry and regulators.

But Nimby can backfire. Once the public went along with anything: now it opposes everything. Fitted with the quiver of modern due-process precedents that makes blocking easier than doing, Nimby patrols oppose nearly all construction of new waste facilities, which has the effect of locking society in to already-existing facilities—the lousy old designs. Because hazardous wastes received intense study in the last decade, a body of knowledge now exists that could make for control facilities with superior environmental characteristics. But good luck getting permission to put one anywhere. The EPA has even had trouble siting support facilities for Superfund cleanups, an Alice-in-Wonderland arrangement.

Nimby is to some extent a property-value phenomenon, but the active ingredient is terror. Industry once conned people into believing toxics harmless; environmentalists now terrify them into believing that just reading the name of some chemicals is enough to make you keel over.

Twenty years ago environmentalists would have kissed the ground on which the Boston Harbor system now sits. Today the Clean Water Action Project says little but nay about the plant: it's too high tech, the sludge will be hideously toxic, the sponsoring authority isn't interested in punishing industry. The Boston cleanup is remarkable both for what it will accomplish and for enjoying broad voter support, though Bostonians will pay through their noses: annual water bills are expected to rise from $300 to $1,100. This indicates the public has been converted to environmentalism in the most significant sense, willingness to spend. Time to celebrate, it would seem.

Likewise 20 years ago an environmentalist who heard that U.S. cities would like to renounce trash landfills in favor of waste-to-energy plants would have thought he'd lived to see the heavens open. Yet today many frantically oppose any municipal waste remedy other than universal recycling, a debatable proposition. Activists fear that to the extent trash power projects are successful they will undercut recycling by reducing the perception of a "garbage crisis," tortured logic at best. Lancer, a trash power system that might have done wonders for the Los Angeles landfill crunch, was recently defeated by a sky-is-falling campaign of panic over trace toxic emissions, though similar furnaces have been used in Western Europe without adverse effect on public health.

At the extreme, some environmentalists have evolved a world view in which it's fine for them to enjoy the goods and services of industrial society but horribly selfish for anybody else to. To this contingent, cries that the sky is falling become second nature. The dilemma is that environmental hyperbole often plays a worthy role, spurring the political system toward decisions that are in fact in society's interest. Could you catch the attention of Congress on such technical matters as delayed RCRA regulations if you didn't exaggerate a bit, say by claiming the country was being "poisoned?" Probably not.

PART 5—THE ECOSPHERE

Maryland's Blackwater National Wildlife Refuge is nature on the throne of her glory. Here you may at dawn behold the dance of the ages. Bird cries rise with the sun over thickets of wetland grasses; eagle, red-tailed hawk, black duck lift skyward to begin their daily rituals of quest, or soar unbounded over the adjacent majesty of Chesapeake Bay. Blackwater is pure inspiration. And doesn't have much to do with protecting the environment.

Places of conspicuous beauty usually come to mind when the subject is general ecological preservation. But such areas constitute only a small part of the equation, both statistically and because beauty speaks for itself: only a stooge could oppose protection of Blackwater, Yellowstone and similar marvels. The real action in preservation involves aspects of the ecosphere not particularly striking: wetlands, tundra, forest tracts containing no geologic wonders or prestige endangered species.

In his first State of the Union address George Bush pledged "no net loss" of wetlands, surely one of the most arcane policy commitments ever pronounced from a presidential forum. Over recent decades the United States has been filling wetlands at about 500,000 acres a year, significant even in a nation of America's expanse. Yet "the overwhelming majority of threatened wetlands aren't sensational places like Blackwater," says Lyndon Lee, a wetlands expert. "They are scattered tracts of private property you might drive right past. Kind of blah, unless you know what you're looking at." To most people wetlands go by the name swamps. To most people getting rid of swamps is a big plus.

The Clean Water Act classified saturated soil formations as "waters of the United States," invoking a legal phrase used to assert common public interest in rivers and lakes. Federal permits are now required for "converting" wetlands. Section 404, the name of this program, hence have become swear words to developers.

In principle the 404 system prohibits nearly all development of wetlands. According to a strict reading, developers can't build houses on riparian acreage even though waterfront property is what everybody wants. One of Reilly's first acts was to block Two Forks, a water-supply dam for Denver. His rationale was that downstream of the proposed reservoir sat a 300-acre wetland that is a habitat for migrating sandhill cranes. For anyone who remembers the snail darter, it's engaging to note that this decision did not set off howls of outrage. Public sentiment on the environment has shifted such that Reilly was praised, not excoriated, for sacrificing a major public-works project to protect a few odd-looking birds.

In practice the system has loopholes, a major chink being sweetheart exemptions for agriculture. Farmers, and sometimes developers claiming to be farmers, bascially can ignore 404. The EPA has the authority to flat-out forbid commercial wetland development, but uses this power sparingly. The compromise increasingly cut is that those who fill a wetland in one place must create an equivalent somewhere else. This is why Bush promised no "net" loss. "Wetlands are comparatively easy to make or restore," Lee explained. "It's not like making a wilderness, which takes centuries."

The ecological virtues of wetlands are these: they are exceptional breeders of life and natural filters for removing pollutants from water. Most of the life that springs from wetlands is not spectacular like the red-tailed hawk. It's dull stuff: snails, reeds, beetles. Wetlands are competitive, active environments, so life there tends to evolve vigorously compared with national parks where preservation policies may reduce natural pressure on species to change.

While the publicity goes to endangerment of glamour animals like condors and grizzlies, the "germline"—the general genetic heritage, especially of lesser organisms that form the majority—ought to concern us more. In a world increasingly paved over, blah niches such as wetlands are the germline's best hopes. Around the globe, life forms are falling extinct in worrisome numbers as habitats are displaced by everything from elegant condos to mud huts. For instance, between now and the year 2000, three times as many native American plant species will dispapear as during the last 200 years combined.

From the planetary perspective it matters little whether any individual species gets wiped out. What matters is that there always be a large pool of species with diverse genetic libraries, ready to react to whatever environmental change comes along. Through genetic diversity the ecosphere doesn't merely survive onslaughts such as ice ages. From each hour of trial the living system emerges stronger than before: populated by more highly developed creatures bearing richer genetic heritages.

Who can say whether man, as he learns genetic engineering, won't need to reach into some obscure subspecies and pluck out DNA that helps him endure some coming ecological transition, perhaps one of his own making? Who could have predicted we'd find penicillin in a crummy mold? Thus Reilly should be praised not for saving the cranes but saving the wetland with its snails, spiders and machineries of life.

In environmental affairs it is crucial to draw the distinction between one-shot problems—Love Canal, Times Beach, Exxon's idea of steering a tanker—and cumulative damage. Transitory ecological infractions happen fast; usually the restoration can, too. Problems that take a long time to build up take a long time to fix. That's why global warming and depletion of the ozone layer are the most troubling environmental predicaments of our age: both have been in the works for decades.

Six of the 10 warmest years on record have occurred during the 1980s. Garbled

talk-show commentary to the contrary, science is not certain this results from an artificial greenhouse effect. Rising temperatures may be caused by fluctuations in the output of the sun, about whose internal dynamics precious little is known. They may stem from quirks in record keeping or some novel climate factor which, once discovered, will seem obvious in retrospect.

But whether or not a greenhouse effect has officially commenced, logic says one is coming. Since the 1850s atmospheric carbon dioxide, the primary greenhouse gas, has increased 25 percent; the chief culprit is the Western world's enthusiasm for burning fossil fuel in power plants, factories and family cars. Other man-made gases that trap heat are being detected in the air in rising concentrations. It's hard to imagine how this stuff could fail to have some effect. Sen. Albert Gore Jr. calls the situation "a bad science-fiction movie."

According to EPA estimates here's what will happen in reel two. On our present course earth's overall temperature will increase 3 to 8 degrees Fahrenheit by about the middle of the next century. Sea levels will rise, flooding coastal areas; ocean currents that dictate weather patterns will grow much stranger than the recent El Nino variations. Most chilling, if that's the right term, is that the best science can project is slowing of the trend. "Even if all greenhouse emissions stopped tomorrow, a century might pass before the correction took effect," says Stephen Schneider of the National Center for Atmospheric Research.

Corrections? The ecosphere is an elaborately defended fortress. Nature can prevent a runaway warming, if we but give it the chance.

The first natural thermostat is the cloud cover. Hot weather tends to increase clouds; more clouds increase the portion of the sun's radiation that is reflected back into the space. If weather cools, clouds attenuate and additional sunlight gets in.

The second natural thermostat is majestic in scale. Carbon dioxide constantly enters the atmosphere naturally via volcanic eruptions, seepage and plant decay. Such processes release 200 billion tons of carbon dioxide each year, compared with humanity's puny 7 billion-ton contribution. Rainfall constantly washes carbon compounds from the air and into the sea, where they settle to form sediments. Through tectonic movements these sediments are gradually subducted back into Earth's mantle. There they mix with magma, melt, and one day return anew to the air.

So: if the climate is too cold rainfall declines, slowing the rate at which carbon dioxide is bathed from the air and triggering natural global warming. If the climate is too hot rainfall increases, speeding up the washing and moderating the natural greenhouse. Curently, because it's too hot, nature is substracting carbon dioxide from the atmosphere at about 204 billion tons a year. But because man is adding 7 billion tons and subtracting none, the net is a 3 billion-ton annual increase.

Earth's inanimate mechanisms of climate control are joined by a third system, the biological thermostat. Plants aspirate carbon dioxide, emanate oxygen. When it's hot they grow faster, pulling more carbon dioxide from the air and influencing temperatures downward. When it's cool plant metabolism slows down, reducing demand as that greenhouse builds up.

Researchers are beginning to suspect that a few hundred million years ago flora and fauna were not the only primitive things about Earth: climate was primitive, too, characterized by greater swings in highs and lows, in rainfall and drought, than the world experiences today. As life's influence on climate improved, whether moderated and subtle creatures such as mammals became possible. Eons of development pointed in the direction of conditions sufficiently temperate that a hairless, physically deficient primate could prosper on brain power alone. Now we're using those brains to throw monkey wrenches into the machine that spawned us.

Unfortunately nature's thermostats work on a millenarian clock which has trouble keeping pace with the technological stopwatch. And currently humanity is doing everything in its power to prevent natural thermostats from coming to our aid. Deforestation, for instance, reduces vegetation that would otherwise draw carbon dioxide from the air. World forest acreage has declined about 15 percent over the last century with the rate accelerating, particularly in South America.

Before getting steamed up about Brazil, however, consider that South America has millions of poor who need land and work. For struggling nations environmentally damaging behavior may be economically rational in the short term: when settlers leveled the American wilderness in pursuit of opportunity, no international delegations came by to say tut-tut. Even today the United States is merrily felling forest acres for federally subsidized timber sales. Why don't we put a halt to that? Because the lumber companies and their workers are an interest group not unlike the interest groups Brazil's leaders must contend with.

America burns more oil than any other nation, the principal reason each of us puts five times as much greenhouse gas into the atmosphere as each Brazilian. We could be driving higher mileage cars, or switching to fuels such as ethanol that not only pollute less but subtract carbon dioxide during production, while growing as corn. "Irresponsible" Brazil has a thriving ethanol industry.

We could make more electricity from something other than coal, a carbon-dioxide malefactor. A little surprise the 21st century may have in store is that nuclear energy turns out to be important after all: even an environmental ally, since nuclear plants have no greenhouse effect. Anyone who fears nuclear power based on its current manifestation is thinking rationally. But should current problems rule out future progress? Engineers have designed conceptually new "inherently safe" reactors that combine lower temperatures, less energetic fuel and passive cooling systems in such a way that it should be physically impossible for the core to run amok. Perversely, industrial and anti-nuke interests have joined to work against this development. Industry fears talk of "safe" factors will constitute an admission the nuclear status quo leaves something to be desired. Anti-nukers suffer mental meltdowns at the suggestion any aspect of the atom might on balance be good for the ecosphere.

Without saying so, this article has proceeded on the assumption that environmental protection is a social good transcending cost-benefit calculations. That is why little space has been accorded to discussion of how many dollars' worth of particular antipollution devices will prevent how many cancers, how bad smog must be before you have an asthma attack as opposed to just coughing, and so on.

This choice of assumptions is a fair one because it is the same the American people have made. In recent years the voting behavior of Congress and state legislatures has given unequivocal voice to public inclination in favor of environmental protection as an American value. Last fall's presidential campaign removed any doubt. Our changing social perception of pollution is much like the changed view toward drunken driving. Both are now seen as fundamentally disgraceful and bespeaking lack of character, as opposed to just mistakes.

It would be nice to think that salvation for the environment lies in forsaking civilization and getting back to nature. It would also be nice to think that tapping our feet together takes us to Kansas. Naysayers believe that technology grows ever more damaging and inhumane. That need not be so. Truly advanced technology should grow steadily cleaner, safer, more responsible toward its masters. "Sophisticated" devices don't pollute; only crude ones do. If the makers of technology mean what they say about sophistication, the next stage beyond high tech will be clean tech.

The future of the environment is machines, people and nature working together without doing each other harm. In current environmental policy exists a foothold toward that goal. From here on there is no excuse to settle for the other than climbing.●

THE SOCIAL SECURITY WORK INCENTIVES ACT OF 1989

● Mr. CHAFEE. Mr. President, I am proud to join Senator DOLE and Senator RIEGLE in sponsoring the Social Security Work Incentives Act of 1989. This legislation takes a critical step toward ending the discentives built into the Social Security Disability Insurance Program [SSDI] that discourage recipients from gaining financial independence.

Over the past few decades we have made great strides toward helping people with disabilities achieve their fullest potential as members of our communities. We enacted the Education of the Handicapped Act in 1975 to ensure that individuals with disabilities receive an appropriate education to enable them to become productive members of the community. In 1981, we enacted the Medicaid 2176 waiver allowing State Medicaid programs to make community care available to individuals wishing to remain at home, in the neighborhood or other community settings. We are now close to reforming the Medicaid Program to create a system of services that will provide individuals with physical and mental impairments with assistance they need to remain in their own communities, and participate fully in society. In addition, the Senate will soon consider the Americans with Disabilities Act, legislation to prevent discrimination on the basis of a disability in order to further enhance fully community integration.

All these efforts are aimed at recognizing the talents of those with dis-

abilities, and the contribution that they are capable of making. However, we have left one very important stone unturned. We have neglected to change a provision of law that works against everything we are striving to accomplish. We continue to allow the Social Security Disability Insurance Program to penalize those persons with disabilities who are working toward financial independence.

The SSDI Program provides financial assistance and Medicare benefits to people with disabilities. However, if a SSDI beneficiary earns over $300, under current law, he or she loses not only financial assistance but also his or her Medicare benefits. Medicare coverage is absolutely critical for these individuals. Until they are able to earn a significant income from an employer that provides an adequate health plan, individuals are seriously at risk if their SSDI and Medicare benefits are withdrawn.

A similar problem existed for people with disabilities who receive supplemental security income [SSI] and Medicaid. We fixed that problem and now these individuals are able to work without completely losing their cash assistance and Medicaid benefits. The SSI 1619 Program provides SSI recipients with a reduction in their benefit based on the amount of money they earn. Thus, the more SSI recipients work, the more financial independence they gain and the less they have to rely on SSI for support. Most importantly, they are able to retain their Medicaid health benefits.

The legislation we are introducing today creates a work incentive program under SSDI which is modeled after the SSI 1619 program. This legislation will allow certain SSDI recipients to work but have their benefits reduced by $1 for every $2 earned above $85 per month. The bill removes the $300 income threshold at which all benefits are lost. This enables persons with disabilities to build their financial independence while retaining health insurance and some income security.

Unfortunately, eligibility for this work incentive program is limited, due to budgetary restraints. However, enacting this bill will be a first step toward expanding eligibility for these work incentive provisions to all SSDI recipients.

Mr. President, I urge my colleagues who have been so supportive of legislation benefitting those with disabilities to closely examine this problem. I hope they see the necessity of this legislation and support us in this effort.●

ORDERS FOR TOMORROW

RECESS AND MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9 a.m. on Thursday, July 20, and that following the time for the two leaders there be a period for morning business with Senators permitted to speak therein for up to 5 minutes each.

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

THE URANIUM ENRICHMENT BILL

Mr. MITCHELL. Mr. President, I ask unanimous consent that at 9:25 a.m. tomorrow the Senate proceed to the immediate consideration of Calendar Order No. 136, S. 83, the uranium enrichment bill, and that it be considered under the following time limitation: 5 minutes on the bill, equally divided and controlled between Senators JOHNSTON and MCCLURE, or their designees.

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

Mr. MITCHELL. That no amendments to the bill be in order except the committee-reported amendments; that no motions to recommit be in order; that the agreement be in the usual form with respect to the control and division of time; and that at 9:30 a.m. a vote occur on final passage of the measure.

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

Mr. MITCHELL. I further ask unanimous consent that it be in order to request the yeas and nays now on the passage of S. 83.

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

Mr. MITCHELL. I ask for the yeas and nays.

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

The yeas and nays were ordered.

Mr. MITCHELL. I now ask unanimous consent that upon disposition of S. 83, the uranium enrichment bill, the Senate resume consideration of S. 1160, the State Department authorization bill.

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

RECESS UNTIL TOMORROW AT 9 A.M.

Mr. MITCHELL. Mr. President, if the distinguished Republican leader has no further business, and if no other Senator is seeking recognition, I ask unanimous consent that the Senate stand in recess under the previous order until 9 a.m. on Thursday, July 20.

There being no objection, the Senate, at 11:29 p.m., recessed until Thursday, July 20, 1989, at 9 a.m.