Mr. FORD. Mr. President, the distinguished Senator from New Jersey and I are friends, and we disagree in some respects on this one particular item. One point I would like to make to the distinguished Senator is that I have made an extra effort to put forward legislation that would do what he wants to do. He does not have any penalty in what he is talking about. Under my bill, if it was law, those clerks would have a penalty. It would be a double penalty. And I think we would stop them. At least they would think before they would sell to possible underage people, or teenagers.

So, what we have attempted to do here is not move in and tell an adult—make a decision for him. As I said earlier, one of the things we pride ourselves in is to try to keep Big Brother out of our business. Senator after Senator after Senator has stood on this floor and fussed about FDA. They are not completing their business. They are not getting the job done. They are not approving drugs for the elderly. They are not doing all this. I can go back and give you page after page after page.

Now they want to take on this huge responsibility, additional responsibility. And we already have the mechanism to do it: The Federal Trade Commission and Health and Human Services. We already have the vehicle. Why create another bureaucracy? And why should I tax you, indirectly, and say, ''You give me money so I can put you out of business.'' They want $150 million a year.

My distinguished friend from New Jersey is proud of the fact that he took a small business and built it into a very large business. But if Government had said to him, ''Give me money so we can put you out of business,'' I do not believe the Senator would have liked that a bit.

He will say there is a difference between his product and the one we are discussing here today. That is fine. But the principle is still the same. So we take the vending machine law, the strongest one in the country, and say that if you break this law then the States and the principals are fined; they are double. And we have the mechanism to do it right now. So the constitutional question that we have is another problem, as to the content of the advertisement.

I am not going to be voting for an additional tax. I do not believe my friend from New Jersey will vote for an additional tax either. I hope we listen to him as he talks about the additional smokers per day. Every day we delay here, every day we say we are not going to help FORD pass his legislation, means that it is another day's delay. We could do it today rather than tomorrow. I think I have tried my best. But best is, apparently, not good enough.

So the FDA is just adding another layer of bureaucracy. They are asking for money, under their regulations. Lord knows how they are going to get it without an act of Congress. The constitutional question on first amendment rights—they have sent the lawyers from the manufacturers and advertising groups all to the courts the same day. So that will be in the courts for years and years and years.

So what is happening here, if we can pass my legislation we can get to the root of the problem. We banned advertising around schools. We banned the use of tobacco in movies. We banned the use of tobacco of any form in videos or amusement areas. But we do not say that an adult does not have a choice.

So what we are getting ready to do here, in the guise of protecting teenagers, is to go to prohibition. That is my problem. I am trying to be helpful. I am trying my best to be helpful. If he was in my place, I think he would be doing the same thing. But he says he is not and I understand that.

But rights are rights. When you become of age you have a right to make a choice in this country. Let us stop them under 18. I am for that, and my legislation will do that. If we just get a little help, instead of delaying the implementation of this law—I think we ought to go ahead and pass it so we can stop, sooner than later, teenage smoking in this country.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, in just a couple of minutes, one of the things that happens to us occasionally on this floor is that we have to argue with friends for whom we have respect and admiration because we disagree. I must give the distinguished Senator from Kentucky credit because he has worked cooperatively to try to reduce the exposure for young people to tobacco, recognizing along the way, obviously, the possibility exists that it could be—I do not want to put words in his mouth, but his legislative proposal suggests it could be addictive. So it is a long step along the way. I thank him and I respect the Senator from Kentucky's legislative perspective here.

I would say that I believe the FDA involvement is essential to the success of the program of curbing teenage smoking. I do appreciate and understand the position that the Senator from Kentucky is in. He is concerned about the farmers in Kentucky who grow tobacco, those who process the product, and I know he has long been an advocate of trying to make a sensible approach to the marketing of tobacco products without curtailing people's decisionmaking. I respect that.

But, Mr. President, I really do think the only way to make this an effective battle against teenage smoking is to include the FDA, to give them the responsibility as they would have for any other addictive drug, and to pursue the course of action proposed by the President of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York [Mr. D'AMATO], is recognized.

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

The Senate continued with the consideration of the bill.

Mr. D'AMATO. Mr. President, I ask if the pending amendment has not been set aside, the Brown amendment be set aside for purposes of my offering an amendment, at which time the amendment will recur.

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

AMENDMENT NO. 2709

(Purpose: To limit Economic Support Fund assistance to Turkey, and for other purposes)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mr. D'AMATO], for himself, Mr. PRESSLER, Mr. SARBANES, and Ms. Snowe, proposes an amendment numbered 2709.

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

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

The amendment is as follows:

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

LIMITATION ON ASSISTANCE TO TURKEY

SEC. . Not more than $21,000,000 of the funds appropriated in this Act under the heading ''Economic Support Fund'' may be made available to the Government of Turkey.

On page 11, line 10, before the period at the end of the line, insert the following: '': *Provided further,* That $10,000,000 of the funds made available under this heading shall be transferred to, and merged with, the following accounts in the following amounts: $5,000,000 for the Department of the Treasury, and $5,000,000 for the Department of Justice, to support law enforcement training activities in foreign countries for the purpose of improving the effectiveness of the United States in investigating and prosecuting transnational offenses''.

Mr. D'AMATO. Mr. President, I offer this amendment on behalf of Senator PRESSLER, Senator SARBANES, Senator SNOWE and myself. I rise to propose an amendment to the foreign operations bill, which will help restore credibility to our foreign assistance program by ensuring that one of the largest recipients of United States aid, the Republic of Turkey, adheres to internationally accepted standards for human rights and humanitarian practices.

My amendment will cap at $21 million the amount of economic support funds that the United States gives to Turkey. Ten million dollars in savings by capping these funds would then be appropriated by $5 million each to the Treasury and the Justice Departments to support law enforcement training

activities in foreign countries for the purpose of improving the effectiveness of the United States in investigating and prosecuting transnational offenses.

I am very pleased, and I want to commend the subcommittee, which has appropriated funds for the FBI with the same purpose. I want to make sure that there are enough funds to support the Treasury Department and other Justice Department activities in this area as well.

Mr. President, let me make it clear that this amendment does not restrict United States military aid to Turkey. It does not restrict. But what I am attempting to do is send a message that the United States will no longer tolerate the human rights abuses in violation of international law that Turkey has and is conducting.

This year the Turkish Government will receive $320 million in military aid from American taxpayers to address its security needs. In total, Turkey will receive $366 million. My amendment will bring this total to $341 million.

The time has come after years of fruitless so-called quiet diplomacy for the Congress to take the lead in addressing a broad range of issues dealing with Turkey. Let me go over some of them.

One, worsening human rights records; two, its continued blockade of humanitarian supplies to Armenia. It is incredible in this day and age that humanitarian supplies are being blocked to Armenia. Three, its refusal to work toward a lasting and equitable settlement in Cyprus, a situation that has been permitted to exist year after year after year; four, its denial of basic rights to its Kurdish minority.

In each of these areas, Turkey has consistently violated international treaties and agreements to which it is a signatory. Among these are the U.N. Universal Declaration of Human Rights, the Final Act of the Conference on Security and Cooperation in Europe, and the European Convention on Human Rights.

Mr. President, the Congress in the fiscal year 1995 foreign aid bill withheld 10 percent of the principal amount of direct loans for Turkey based on its human rights record and the situation in Cyprus. The Turkish Government has spoken clearly on that issue. It will reject any U.S. aid tied to its human rights record. It is clear, given the Turkish Government's response, that we must deal differently with Turkey on this subject.

On the question of human rights we need only to look at the State Department's recently released 1995 Country Reports on Human Rights. What does it say? We see that years—and even decades—of behind-the-scenes efforts by the State Department have not produced any improvement in the human rights situation in Turkey. This report concludes in fact that ''the human rights situation in Turkey has worsened in 1994.''

Mr. President, this is our Government's report, the State Department's report. This is not a report of the Senator from New York, or a conclusion that I have come up with. It is our Government's report. Again, the human rights situation in Turkey has worsened significantly in 1994.

Mr. President, do we reward them with aid? The full spectrum of human rights monitoring organizations have condemned Turkey for its systematic and widespread abuse of human rights, including the use of torture. Amnesty International, Human Rights Watch, the U.N. Committee Against Torture, the European Parliament, and others go on and on in their condemnation of their systematic deprivation of basic human rights.

Let us talk about Kurdish rights and the Kurdish problem. Nowhere is the case for cutting off aid to Turkey more compelling than the question of the Turks. To this day, Turkey continues to deny the very existence of its 15 million Kurdish citizens. Their military has systematically emptied over 2,000 Kurdish villages and uprooted over 1 million Kurdish citizens from their homes. This is not to mention the recent incursion into northern Iraq against the Kurds.

The Turkish Government's systematic and deliberate campaign to eradicate the Kurdish identity within its borders is in many ways the high-technology murder, massacres, and deportations of Armenian genocide earlier this century.

The question of Cyprus remains unresolved. Twenty-one years after Turkey illegally, in 1974, invaded the island nation, despite countless U.N. resolutions and international agreements, Turkey continues its illegal military occupation and obstructive efforts toward a peaceful settlement. The division of the island and the massive uprooting of the Greek Cypriots caused by the 1974 invasion remains a constant reminder of the failure of the international community to enforce a lasting and equitable resolution to the conflict. Turkey still must demonstrate its support for a settlement recognizing the sovereignty, independence, and territorial integrity of Cyprus with a constitutional democracy based on majority rule, the rule of law, and the protection of minority rights.

Mr. President, nowhere is the case more compelling for our stopping assistance—this does not relieve some assistance, but I believe it is a very reasonable course—than the case of what Turkey is doing today to Armenia. The failure of quiet diplomacy—that is what the State Department talks about—is no more evident than in the case of the Turkish blockade of humanitarian aid to Armenia. How in this day and age, in 1995, can we countenance Turkey refusing to permit humanitarian aid to a nation and to its people? It is in violation of all international law. It is in defiance of the United Nations. Yet they continue to blockade the borders with Armenia.

How long has this taken place and gone on? For 2 years. For 2 years the Turkish Government has refused to allow desperately needed United States and other international assistance to reach the people of Armenia. Even the United States of America—even planes from the United States delivering aid to Armenia have been refused. It is wrong. We should not reward nations with our money when they conduct that kind of policy.

Unable to cross Turkish territory or transit its airspace, relief supplies—we are not talking about equipment, warmaking equipment. We are not talking about munitions. We are not talking about tanks. We are not talking about armaments. We are talking about basic relief supplies—food, clothing, and medicine—have had to be rerouted through Georgia where, due to instability widespread, large portions of that aid have sometimes been lost, along with the cost and the time necessary to get basic aid to a people whose suffering mounts and the toll of the devastation increases.

We should not be rewarding with taxpayers' money that kind of conduct. And the business of saying they are our allies has long played out. It is not right that American taxpayers continue this kind of program. I hope that this sends a message that we say to the Turkish Government, fine, you are an ally, but basic human rights must be observed.

It is for those reasons that I have offered this amendment, not just for the American taxpayer but for the defense of American values and ideals. If we are to make a difference, certainly there is no more compelling case than here and now. This is a small step in signaling that we mean what we say, that we are for democracy and we are for human rights. I do not understand how we can be sending millions of dollars in America taxpayer moneys encouraging the kinds of activities that the Turkish Government is engaged in.

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.

Ms. SNOWE. Mr. President, as a cosponsor of the D'Amato amendment, I would like to express my strong support for his proposal to reduce our economic assistance to Turkey. The D'Amato amendment would cut economic aid to Turkey by $25 million, capping aid to Turkey next year at $21 million. A similar amendment passed overwhelmingly in the House earlier this year.

Mr. President, this bill represents cuts of $1.2 billion from the fiscal year 1995 appropriated level. It is $2.4 billion less than the administration's $14.8 billion request. I support the fiscal responsibility of this bill, and I believe that this amendment will help to bring the Turkish account into line with other reductions contained in this bill.

But there are more important reasons to make this cut than just achieving budgetary savings. For decades, Turkey has had a consistent record of human rights abuses against its own people and against its neighbors.

I would like to emphasize that this cut will only affect economic assistance, not military assistance.

There are a great number of reasons to support this amendment, but I would like to list just a few:

Turkey has illegally occupied 40 percent of the territory of neighboring Cyprus for 21 years. Turkey has consistently refused to withdraw its 35,000 occupation troops, and has impeded efforts to reunify the island.

The Turkish army has forcibly evacuated or destroyed nearly 2,000 Kurdish villages. More than 2 million of Turkey's Kurdish citizens have been made refugees in their own country.

Over 10,000 Turkish Kurds have been killed by Turkish Government forces. More than 5,000 of these deaths have come in just the past 5 years.

American weapons and equipment have been used repeatedly by Turkey in their internal and external atrocities, including the 1974 invasion of Cyprus and the attacks against Kurds in U.N. protected areas of northern Iraq earlier this year.

Torture, extrajudicial execution, and unlawful detention continue to be common in Turkey. This has been confirmed by State Department human rights reports and all credible private human rights organizations such as Amnesty International and Human Rights Watch.

Turkey persists in blocking the delivery of desperately-needed humanitarian assistance to Armenia, a landlocked neighboring country. This is particularly egregious because of Turkey's own past atrocities toward the Armenian people during World War I. This is commonly referred to the Armenian Genocide, in which 1.5 million Armenians—or half of all the Armenian people at that time—died.

Seven European countries have cut off all arms sales to Turkey, and the European Union has refused to even consider a free trade agreement with Turkey because of the treatment of the Kurdish people.

Against its own international agreements, in 1971 Turkey shuttered the seminary school of the Eastern Orthodox Ecumenical Patriarchate. This was done in an effort to undermine and eventually destroy this most hallowed institution revered by over 200 million Eastern Orthodox faithful around the world.

Mr. President, I frankly do not understand why we continue to provide such high levels of economic assistance to Turkey. But the purpose of this amendment is not to totally cut off all aid to Turkey, only to send a strong message that Turkey must reform its human rights record both with its neighbors and with its own people.

I urge passage of the D'Amato amendment, and I yield the floor.

Mr. SIMPSON. Mr. President, I rise in opposition to the pending amendment of the Senator from New York, pertaining to assistance for Turkey. I will support the motion to table this amendment, and I urge my colleagues to do the same.

Mr. President, I have very firmly held beliefs regarding the importance of the United States-Turkish relationship, and these beliefs have only been strengthened, not diminished, by recent events. Turkey has long been considered of great strategic importance to the United States, most notably since the height of the cold war, when Turkey's participation in NATO gave this important alliance a steady anchor in the Middle East. It was a tremendous advantage to have a stalwart ally of the West sitting in between the Soviet Union and the oil fields and tensions of the Middle East.

Let us remember also how Turkey frequently provided more troops to NATO than any nation other than the United States. We are increasingly cognizant that the peace in Europe was kept throughout those years not by the procedures of the United Nations, but by the resolve of NATO—and Turkey played an indispensable role in that alliance.

During the cold war, we came to view the alliance with Turkey as being critically important largely for geographic reasons, and reasons of military strategy. However, since the demise of the Soviet Union, we have found our relationship with Turkey to be of even greater importance.

If one lists the principal international developments in the post-cold war world, one repeatedly comes across unmistakable trends which underscore the importance of Turkey. To name but a few: The expansionism of Turkey's neighbor Saddam Hussein, the disintegration of Yugoslavia along ethnic lines, renewed nationalism and anti-Western feeling on the part of many Moslem states, the breakaway of the central Asian republics from Russia, and on, and on.

I earnestly hope that my colleagues have noted the opposition of our most notable military leaders to any reductions in assistance to Turkey. Gen. John Shalikashvili has written to commend Turkey's participation in the Korean war, as well as Turkey's defense of 37 percent of the frontier between NATO and the Warsaw Pact during the cold war. During the gulf war, strike missions against Iraq were initiated from Turkish soil—nearly 2,700 sorties, according to the general.

Perhaps Turkey's biggest contribution to that effort was the closing of the Turkish-Iraqi oil pipeline, which clamped down solidly on Hussein's strength and surely cost Turkey and its economy dearly. Few Americans know that Turkey contributed troops to the Somalian effort, as well as 1,500 troops in Bosnia.

Secretary of Defense William Perry has also testified to the value of continued assistance for Turkey.

The great ideological contest in the world is no longer between communism and democracy—capitalist democracy has clearly been the victor of that battle for the allegiance of the greater part of humankind. But there are still contests taking place all over the globe, between competing visions such as secular democracies, nationalist autocracies, and military-religious states. Too much of the Moslem world has chosen the latter route, choosing to devote the resources of the state to military confrontation with their neighbors, and at home, enforcement of religious scruples by the state.

Not only did Turkey cast its lot with the West when it was in a lonely military position, surrounded by Soviet-leaning neighbors, but it chooses still to cast its lot with us even when in close contact with many anti-Western Moslem regimes. The majority of Turks believe this is the right thing to do, but there are also voices within Turkey who wonder why it chooses to ally itself with the West, only to receive criticism and suspicion in return from too many quarters.

It is greatly and unquestionably in the United States' interest that Turkey's decision to remain a friendly, secular republic be seen as fruitful for a Moslem nation. We do not have a good track record in our relations with Islamic countries. If Turkey is rebuffed in its continued allegiance to us, this will only provide fodder for those who believe that the West cannot be trusted to remain truly friendly toward a Moslem country.

None of us would claim that the human rights situation in Turkey is what we would like to see. But we should remember as well that Turkey has been the recipient of thousands upon thousands of uninvited guests, in many cases Kurdish refugees from northern Iraq. Most Kurdish people are not terrorists. They are poor refugees struggling to cope with the tragic reality of living under unfriendly, repressive regimes such as that of Saddam Hussein. But United States protection of the safe havens in northern Iraq also served to shelter those Kurds in the PKK, who were indeed engaged in terrorist attacks against Turkey. Thus we have made our own inadvertent contribution to the conflict Turkey is experiencing in the eastern part of the country. We would do well to confine our sermons about human rights to those situations to which we ourselves have not contributed.

Mr. President, I believe that it is strongly in the interest of the United States that we maintain a strong relationship with Turkey, both an economic and military relationship, and that the Turkish commitment to its status as a secular republic be proved again and again to be a most successful one which will assist our friends the Turks to continue the course and the

cause of peace and prosperity in their country. We have a tremendous stake in this question, thus I strongly urge the defeat of the D'Amato amendment.

Mr. D'AMATO. Mr. President, I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I oppose the amendment offered by the able Senator from New York. It removes the discretion and the flexibility now in the bill for the President to provide economic assistance according to his best judgment as to the need of the recipient country.

Mr. President, Turkey is a member of NATO. It has been consistently of great assistance, great assistance to the United States—by the way, may I say also assistance to Israel—as we pursue our goals in the Middle East and southern Europe. Turkey has been of assistance as a NATO ally in supporting NATO's actions in Bosnia. She has provided support to the Bosnian Moslems, helping to right the balance in Bosnia vis-a-vis the Bosnian Serb forces.

Turkey was of crucial early assistance to us in the gulf war, as we all know. And she is still paying for that. She is still paying for having helped us. She was of crucial heroic assistance to the United States in Korea. Her economic needs are substantial. As I say, she is still paying a heavy price for cutting off the oil pipeline with Iraq. And she still loses revenue heavily on a daily basis. I cannot understand why anyone wants to remove the President's flexibility in this area, and I do not think that Turkey should be singled out.

I oppose the amendment, and I hope that the managers will move to table it.

I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from New York.

Mr. D'AMATO. I do not mean to have a protracted debate on this, but I will take the time to read several excerpts from the State Department countries report, our State Department's report this year on Turkey as it relates to human rights. This comes from the report directly.

The human rights situation in Turkey worsened significantly in 1994.

Worsened significantly in 1994.

The police and security forces often employed torture during periods of incommunicado detention and interrogation, and the security forces continued to use excessive force against noncombatants.

Let me go on a little further.

Various agencies of the Government continued to harass, intimidate, indict, and imprison human rights monitors, journalists, lawyers, and professors for ideas which they expressed in public forums. Disappearances and mystery murder cases continued at a high rate in the southeast.

Let me go to page 3. I have another excerpt.

Political murders and extrajudicial killings attributed to Government authorities and terrorist groups continued at the relatively high 1993 rates. Government authorities were responsible for the deaths of detainees in official custody; suspects in houses raided by security forces; and other types of civilian deaths in the southeast.

Disappearances continued in 1994, while most of those reported in 1993 and earlier remained unsolved.

This is a pattern. This has not just evolved. And it is not getting better. It is getting worse.

Mr. President, again, it is not good enough to say that while one has joined us in an effort to investigate aggressions against the United States, to be helpful as it were, and more than helpful in our battle to liberate Kuwait, it is not sufficient to say that because one has loaned itself militarily to our defense, we look the other way when it continues these kinds of basic human rights violations not only of its citizens but of other citizens. It is inexcusable and intolerable for them to be permitted and for us to countenance by way of our actions, by way of making aid available, the continued blockade of the 2 million people in Armenia. It is wrong. And quiet diplomacy has not reduced that situation or resolved that situation. It continues. And on and on it goes.

One might talk about the situation in Cypress and what the Government of Turkey has done is simply by way of armed force taken and occupied that country illegally, and it thumbs its nose at the United Nations and those attempting to bring about a peaceful resolve. I believe until we do what we are supposed to do—and I say it pays dividends because we did not win the cold war with the Soviets because we decided to look the other way on human rights abuses. It is because we stood up to them and we said we are not going to treat you the way we would the other nations that follow the normal patterns of conduct, conduct that is expected.

So, Mr. President, I hope that my colleagues will accept this amendment. I think this amendment will be a very powerful impact in sending the right signal and maybe seeing that someday there are basic freedoms that are guaranteed, that nations will not be suppressed by the use of Turkish military might, that food and aid to people who are needy and starving will be permitted. That seems to me to be something that is so easy, but when a nation is so intolerant and so indifferent to the rights of others, then I think we have to send a clear message and that is why the Senator offers this amendment.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I understand the message the distinguished Senator is trying to send, but we are also going to send a message to a valuable ally, a valuable ally, an ally that is struggling to continue to orient itself toward the West, an ally that sits within a sea of potential enemies, surrounded by Moslem countries. Turkey is a Moslem country itself. It is a representative democracy. There are forces in Turkey that would like very much to see that country become another Iran, and there is a very real danger it could become another Iran. Look at the map. Note the geopolitical position of Turkey, the old great crossroads of the world in the days of Constantinople and Byzantium. We can send a message, but we can also cut off our nose to spite our face, and we will not change anything except to drive a very valuable and dependable ally away from the West.

Turkey was very important to us in the Persian Gulf war, very important. We all wanted Turkey's help. We wanted Turkey to cut off the flow of oil. She cut it off.

Mr. President, I have an amendment in my pocket and I have the floor. I have a second-degree amendment to cut aid to Israel by $1 billion.

Now, we are getting ready to cut programs that are important to the American people. We talk about cutting Medicare, cutting Medicaid, cutting moneys for the Park Service, Fish and Wildlife, health programs, education programs. But not a word about cutting aid to Israel, not a word; $3 billion to Israel, $2 billion to Egypt.

Now, if anyone wants to talk about entitlements, those are looked upon as entitlement programs by the recipient countries. I am not anti-Israel nor am I anti-Egypt. But when we talk about cutting entitlements, cutting programs that benefit the American people, the old, the young—but not a word said about cutting that $5 billion for Israel and Egypt—why not offer an amendment that will cut that largesse and see how many brave souls there are in this Senate?

Senators would run like turkeys and head for the doors as if they were fire escapes. I know, because I have tried such an amendment on two occasions. I got one vote on each occasion. Perhaps these brave souls should be put to the test every now and then.

I will not offer my amendment to this amendment at this time. It would be an attractive idea to offer it to this amendment and then have someone move to table the underlying amendment; and with my amendment as the second-degree amendment, watch Senators head for the doors.

Where are all these brave souls? How about cutting aid to Israel? I will not offer the amendment at this time. I hope that the managers will move to table the pending amendment. I hope that it will be tabled by an overwhelming vote. Let us send a message to Turkey that we are still her friend, and we want her to be our friend.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Let me say with regard to the amendment of the distinguished Senator from New York, that the internal human rights practices of a number of America's close friends in that section of the world probably could not meet our test. And it seems to me the situation in Turkey is largely indistinguishable from the situation inside the borders of a number of other, not only good friends of the United States, but aid recipients of the United States in that part of the world.

I share the concern that many people have about the human rights situation in Turkey and in a lot of other places. The question is whether or not the amendment by the Senator from New York to cap, cut off assistance will generate any improvements. I am concerned, as the distinguished Senator from West Virginia is concerned, that it might have just the opposite effect.

First, let me point out that the administration is planning $100 million for ESF for Turkey whether or not we pass an amendment. Now I do not see how this level can be achieved given the overall reduction in the foreign operations budget.

It seems to me that before we engage in the kind of debate we are having, calling attention to Turkey's internal problems, we ought to think a little bit about the neighborhood. Iraq, Iran, Syria all present unique security challenges, complicated by the crisis in Georgia and ongoing conflict between Azerbaijan and Armenia.

In the middle of this, Turkey has preserved at least basic principles of democracy, including free and fair elections, the orderly transition of power, an independent legislature, and enacted a free press. Do they have some problems? Yes. But compared to other countries in the area, you would have to say they have done rather well. It is far from a perfect picture. But then many of our traditional friends and allies have not achieved the freedom and success that we enjoy here in this country.

Let us remember that Turkey has 62 million people, 99 percent of whom are Moslem, a factor which could easily influence closer ties with Iran. Yet Turkey remains the only secular democracy with a free market that has a majority Moslem population. Turkey has also maintained its strong link with NATO providing peacekeepers in Bosnia and participating in F–16 patrol of the no-fly zone. As the Senator from West Virginia mentioned, at the end of the Persian Gulf war, Operation Provide Comfort was established in northern Iraq to protect the Kurdish population, in addition to providing humanitarian aid. The Turkish Parliament voted to continue the operation for 6 more months.

Prime Minister Ciller takes the issue of human rights seriously, and committed her nation to a course of reform. In July, under her leadership, 16 amendments were passed to their Constitution, expanding political participation and democracy. When Parliament reconvenes in October, it is my understanding that there will be several more pieces of reform legislation considered.

So the point is, Turkey certainly is not perfect, but it has made a lot of progress. When you compare it to the others in the neighborhood, it does rather well.

Mr. President, I do not know what more needs to be said on this. It was my plan to offer a motion to table, which I will now do.

Mr. President, I move to table the amendment and 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 were ordered.

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

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Kansas [Mrs. KASSEBAUM] and the Senator from Virginia [Mr. WARNER] are necessarily absent.

I also announce that the Senator from Oregon [Mr. HATFIELD] is absent due to illness.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote ''yea.''

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of attending a funeral.

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

The result was announced—yeas 60, nays 36, as follows:

[Rollcall Vote No. 451 Leg.]

YEAS—60

Abraham	Dorgan	Kerrey
Akaka	Exon	Kyl
Ashcroft	Faircloth	Leahy
Baucus	Ford	Lieberman
Bennett	Frist	Lott
Bingaman	Glenn	Lugar
Bond	Gorton	Mack
Breaux	Graham	McCain
Brown	Gramm	McConnell
Bumpers	Grams	Murray
Burns	Grassley	Nickles
Byrd	Hatch	Nunn
Campbell	Heflin	Packwood
Chafee	Hollings	Rockefeller
Cochran	Hutchison	Roth
Cohen	Inhofe	Shelby
Conrad	Inouye	Simpson
Coverdell	Jeffords	Stevens
Craig	Johnston	Thompson
Daschle	Kempthorne	Thurmond

NAYS—36

Biden	Gregg	Pell
Boxer	Harkin	Pressler
Bradley	Helms	Reid
Bryan	Kennedy	Robb
Coats	Kerry	Santorum
D'Amato	Kohl	Sarbanes
DeWine	Lautenberg	Simon
Dodd	Levin	Smith
Dole	Mikulski	Snowe
Domenici	Moseley-Braun	Specter
Feingold	Moynihan	Thomas
Feinstein	Murkowski	Wellstone

NOT VOTING—4

Hatfield	Pryor
Kassebaum	Warner

So, the motion to table the amendment (No. 2709) was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

PRIVILEGE OF THE FLOOR

Mr. MURKOWSKI. I ask unanimous consent that Eugene D. Schmiel, a recent addition to my staff, be extended the privilege of the floor. He is a State Department Fellow who will be fulfilling legislative duties.

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

Mr. LEAHY. Mr. President, I know the Senator from Colorado is seeking recognition. I will not hold the floor, but I urge Senators who have, on our side—and I suspect the distinguished Senator from Kentucky will make the same request on his side—I urge Senators on our side, who have amendments that they intend to offer to this bill, to come and let us know. There may well be amendments that could be accepted. At least let us know that. We will start working toward that situation so at some point the distinguished manager and myself could work at accepting those, and others that might not be accepted, may require rollcall votes, that we might set some time certain or at least get some time agreements on them.

I commend the distinguished Senator from New York and the distinguished Senator from West Virginia in their debate. They kept it to a very short time. We were able to move on. But this is a bill I know the distinguished Republican leader and the distinguished Democratic leader want to get moved forward, so I urge those who are listening to come let us know. At least on my side, I have a more accepting mood when it is early on in the game than I might toward the end.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 2708

Mr. BROWN. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending amendment is the amendment No. 2708, offered by the Senator from Colorado to the committee amendment on page 15.

Mr. BROWN. Mr. President, one of the things the opponents have brought up in the series of extended debates preceding the offering of the amendment this time has been the question of how significant the one-fourth of the arms package is that would be delivered under the President's compromise.

We have held extensive hearings on this question. I wanted to share with the Members some quotes from the experts who testified. We made an effort to invite both Democrats and Republicans, both liberals and conservatives, experts from the military and academia as well as experts that had shown a greater degree of experience

with India than Pakistan. Here are some brief quotes I think are helpful in describing that package.

It is $368 million of military equipment that was contracted for 9 years ago, whose delivery was withheld 5 years ago, even though in substance it had been paid for, committed for by the Pakistanis.

In terms of the regional military balance, I don't think that the release of this military equipment . . . really will have no significant impact on the balance one way or the other.

That is from Stephen Cohen, who is the director of Program in Arms Control, from the University of Illinois.

From George Tanham, vice president of Rand Corp:

. . . I agree with Steve that the package won't change the balance at all. In fact, there is no balance now. India dominates so strongly. They have twice as large an army as Pakistan, twice as large an air force, twice as large a navy, and twice as many tanks, twice as many airplanes. So there isn't a balance at the moment. And India has overwhelming strength.

This one is from the Honorable William Clark, Jr. He was the ambassador to India from 1989 to 1992. ''We have got F–16's that have been sitting in the desert and being maintained. The P–3 and the Harpoon, three of them are marginally useful, if at all, and they have already been—the requirement has been met in other ways—from the politics of it, it is terribly important. The military utility of it''—he is referring to this settlement and those weapons—''they would rather buy more modern equipment with the money.''

The focus of his remarks was simply to point out that actually if the Pakistanis had their choice, they could buy better equipment and more modern equipment with their money rather than the old equipment. Again, relating to the significance of the package that would be delivered under the President's compromise.

This is from James Clad. He is a professor at Georgetown University. They offer for Pakistan ''exactly as Mr. Tanham pointed out, an equalizing hand in trying to somehow correct the subcontinental mismatch of conventional weaponry capability and geographical reality * * * I think another turn on a dime on this issue is going to I think do further damage to American diplomacy.'' The turn on the dime would be failure to follow up on the President's commitment.

This last one is from Bruce Fein. He is a constitutional and international law specialist and syndicated columnist. ''It is true that they''—referring here to India—''they are searching at present for substantial additional arms purchases, hundreds of millions that I think would dwarf anything that would follow any relaxation of the Pressler amendment: (Incidentally) very high technology MiG aircraft.'' He is referring to what India already is doing.

What we have here is an effort to deny the President of the United States a vote on an arrangement, a negotiation that he himself instigated. The President took on a tough problem. For 5 years we have refused to return the Pakistanis' money, and for 5 years we have refused to deliver the planes, and for 5 years, because it has been a tough problem, we failed to act.

I think it is to the President's credit that he has been willing to step forward, he has been willing to negotiate out a compromise. Some may disagree with the compromise. Some may think it is too tough on Pakistan. Some may think it is too tough on India. But the President had the courage to step forward and negotiate that compromise and put a package and a recommendation before this Congress. The question is whether or not the President is allowed to have a vote on his package.

We considered this whole question in the drafting of the State Department authorization bill. But when that bill got to the floor, it was filibustered and the President was denied an opportunity to have his proposal which would have added to that as part of that which was voted on. We then offered this package as an amendment to the Defense authorization bill. But the opponents fought that, threatened to filibuster all night, and denied us a vote. Finally, in an effort to make sure that important Defense authorization bill passed without the delay that that threat brought about, I was willing to withdraw the amendment upon assurances that we would have an opportunity to offer it later and be voted on. That bill has moved ahead.

We bring it up today after notice and discussion. This amendment was offered shortly after 11 o'clock this morning. It was one of the first amendments offered to this bill. And the opponents again sought to delay. The first thing they said is, ''We want a secret briefing for everyone.'' Mr. President, we have had secret briefings. We have had secret briefings covering the exact subjects that they want to talk about. First of all, the Intelligence Committee conducted a briefing on this very subject, exactly the same subject, at the end of July and early August. Members were invited. Those who did not attend could have come to a Members' briefing that I arranged with the subcommittee on last Tuesday.

Incidentally, Senator GLENN's staff attended that briefing. We invited every Member of the Senate to be present at that briefing. So the briefing that they talked about delaying this consideration for has not only already taken place, but it has already taken place twice. Incidentally, I might say transcripts of those are available for Members who want to see them.

So to suggest that we have to delay consideration of this proposal once again for a briefing is simply another tactic, in this Member's opinion, to delay consideration of an important amendment.

Mr. President, we have had hearing after hearing after hearing on this subject. We had a hearing on March 7. We had a hearing on March 9. We had a hearing and discussion—at least for comment—when we had committee markup. Incidentally, Senator PRESSLER was invited and appeared at that committee markup and gave comments. We had a hearing on this last Thursday in which Senator PRESSLER came and discussed it specifically.

So, Mr. President, what we have seen here is a concerted effort to avoid a vote on this question. I believe the President at least deserves a vote on the package, the compromise, that he has negotiated out. One may disagree with it. One may think it is right to keep both the military aircraft and Pakistanis' money. But, Mr. President, I do not. I think we deserve an answer one way or another.

What I find is an effort now to delay this important bill, an effort by filibustering this amendment to delay the consideration of this vital bill that has such a major impact on our foreign policy considerations around the world.

Once again, I do not want to delay the important business of the Senate. It is why I brought this amendment up early and brought it up for consideration. But what I find is a concerted plan and effort to simply filibuster this, to delay consideration and to deny the President of the United States a vote on his carefully negotiated compromise.

When I was asked to grant more time to opponents, we agreed to set aside this amendment for Senator LAUTENBERG to speak, which, of course, he did. Then once again, because the opponents wanted more time, we agreed to another delay and agreed to set aside the amendment for consideration of Senator D'AMATO's amendment, which has been fully debated and voted on, as the Senators will recall from just a few moments ago. But, Mr. President, further delay, further filibustering of this important legislation and delay of this important bill will be a mistake for the Senate. I believe it is important to move ahead on it.

I am saddened by the fact that the opponents have not come to speak up and to offer debate. Mr. President, most important of all, when the State Department authorization bill was here, they refused to join in a time agreement. When the Defense authorization bill was here, they refused to join in a time agreement. Now, in spite of my request and others' requests to have a time agreement, basically carte blanche whatever they want, they refused to join in a time agreement.

So, my proposal is this: I think the President deserves a vote. This is an important matter that does not get better by delay. The longer we delay, the more storage costs there are on the airplanes. The longer they filibuster, the more the quality of the material deteriorates. The longer they refuse to give the President a vote, the more

cost is added to this proposal and the more difficult it is to work out a settlement.

Mr. President, my suggestion is this: Let us get a vote. If I do not have 60 votes, I am not going to stop this bill or have others filibuster this important piece of legislation just for this amendment. But if we can get 60 votes, then I want this considered, and we will see if we cannot bring closure on this issue. But I believe the President of the United States deserves an answer and deserves a vote.

Ms. MIKULSKI. Mr. President, I rise in support of the Brown amendment. This amendment will further United States relations with Pakistan—by allowing for cooperative programs on counternarcotics and counterterrorism—and by resolving a longstanding dispute over the delivery of military hardware.

I understand the concerns of opponents of this amendment—and I share some of them. There is no more important issue in South Asia than nuclear proliferation.

But I believe that this issue is hindering our efforts to build strong ties with Pakistan—and that strong relations with Pakistan are crucial to improving our security and furthering our interests in South Asia.

I also believe that we need to show support for the current Government of Pakistan. Prime Minister Bhutto is a woman of great courage. She has endured arrest, imprisonment, and exile. She has worked to transform Pakistan from a military dictatorship to a parliamentary democracy.

The Prime Minister has been courageous in her efforts to build close ties to the West. Under her leadership, Pakistan has proven to be a valuable ally in combatting terrorism and in stemming international flow of illegal drugs. She has been liberalizing the economy and opening it up to foreign trade and investment.

It has come to the point where this issue is clouding all others. Improved human rights, nonproliferation and greater trade and investment are held hostage to this largely symbolic issue.

So I will support the Brown amendment. The Pressler amendment will still stand—and it should. Pakistan will not receive the F–16's. But by passing the Brown amendment, we will remove an impediment to our relations with Pakistan—and we will be able to focus on improving security in South Asia.

Mr. BROWN. Mr. President, I move to table the Brown amendment and ask for the yeas and nays.

The PRESIDING OFFICER (Mr. GREGG). Is there a sufficient second?

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

The PRESIDING OFFICER. The regular order is to determine if there is a sufficient second.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

Mr. GLENN. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislation clerk continued the call of the roll.

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

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

Mr. McCONNELL. Mr. President, I ask unanimous consent that Senator KASSEBAUM and Senator PELL be allowed to address the Senate and, at the end of their comments, the status quo be resumed.

Mr. BROWN. Does that include a limitation on the amount of time? I reserve the right to object.

Mr. McCONNELL. How much time does the Senator from Kansas have in mind? I say to my friend from Colorado, I am trying to just process something here while we are waiting.

Mrs. KASSEBAUM. Mr. President, I came to speak because there was a quorum call on, so I could tailor my remarks to the time I would be allowed. I would say about 5 minutes.

Mr. BROWN. I take it the unanimous-consent request is for a maximum of 5 minutes?

Mr. McCONNELL. With 5 minutes for Senator PELL as well.

Mr. BROWN. I have no objection.

The PRESIDING OFFICER. Without objection, the Senator from Kansas is recognized.

Mrs. KASSEBAUM. Mr. President, I first want to commend the chairman of the Foreign Operations Subcommittee, Senator MCCONNELL, and the ranking member, Senator LEAHY, for their leadership on this bill. Getting a foreign operations appropriations bill through the Senate is never an easy process. I think they have done an extraordinary job. This legislation is a reasonable approach that meets the stringent reality of the Federal budget but also recognizes that our national interest requires America to be a leader in world affairs.

For years, we have been engaged in a debate about how best to reform our foreign aid programs. I have long been an advocate of reform, and I continue to believe it is necessary. The debate has taken on new vigor this year with the chairmanship of Senator HELMS in the Foreign Relations Committee, and it is ongoing.

The legislation before us today walks a fine line and, in my view, does so appropriately. On the one hand, it recognizes the substantial reform of our foreign aid programs is properly carried out through the authorizing legislation, not through this appropriations bill. On the other hand, this bill undertakes important reforms necessary to ensure that the shrinking resources it provides can be used to the greatest effect.

The foreign affairs budget, which, unlike other accounts in the Federal budget, had already been cut dramatically before this year, has been cut even further. I regret that decision, but that die was cast last spring during the budget resolution debate. Given the limited resources available, it will become increasingly important that the President have more flexibility to target our resources toward the areas of greatest importance.

This is not easy to do. We always feel that we want to have some hand—and we should have—in shaping those priorities. On the other hand, I think flexibility is needed for administrative decisions and it is important that legislative and administrative bodies work as closely together as possible.

While some of the accounts retain their traditional protection, this legislation on the whole has very few earmarks. Again, I want to commend the committee for that. It is not an easy task. At the same time, the bill seeks to promote fairness by preventing any single account or region of the world from bearing a disproportionate share of budget reduction.

As a long observer of United States policy toward Africa, I believe this legislation treats Africa fairly and recognizes that continent's importance in the overall reach of United States foreign policy. I am particularly pleased with the sincere effort to address the difficult problem of African debt relief.

However, important African issues will remain for the conference committee—in particular, this legislation's consolidation of the Development Fund for Africa into a larger economic assistance account diverges from the path Congress has followed since 1987. The House has retained the Development Fund for Africa regional account. The Congress created the DFA in 1987, with bipartisan support, to ensure that consistent long-term funding for African development would be there if it were necessary. I hope that as we debate funding the mechanisms and accounts this year, we will not lose sight of, or compromise, this important goal.

I am particularly concerned about the effect on our foreign policy and the sharp cuts in two programs in this bill. One is the International Development Association, funded at $775 million, well below the $1.3 billion request. While it has detractors, I believe this program is an effective means of leveraging U.S. foreign aid and effecting change in the economic policies of countries abroad. I worry that low-balling this funding—and the House is lower still—will cause other donors to do the same and threaten the viability of this important program.

I also worry about cuts in our contributions to international organizations and programs. Last year, we

spent $374 million on this account, but this bill includes only $260 million—again, better than the House bill. Mr. President, international organizations and programs is never a popular part of the budget. Again, I share the view that we should critically reevaluate our participation in many low-priority international organizations. But it seems to me we should conduct that review as a matter of policy and take steps to reform or withdraw from organizations in accordance with the obligations we have made to them. We should not just stop paying our bills.

These cuts in important programs are, to me, made more frustrating by another item in the bill. This legislation would appropriate $150 million for international narcotics control—$45 million more than last year and $37 million more than was approved by the House. This account may be politically popular, but, in my view, it is a poor candidate for added funding. I doubted the effectiveness of this program in both the Reagan and Bush administrations—not that we do not want to direct our attention to getting narcotics abuse and use under control—even though, however, we had programs over the years in narcotics control initiatives, and they keep requesting more money. In 1995, we will spend nearly $13.3 billion on antidrug measures, of which $1.6 billion will go for international and interdiction efforts. I can only hope it will be successful. But I do question whether we are monitoring closely the successes of these efforts.

I care just as deeply as everybody else about getting the international narcotics problem under control, but I am not convinced that increased funding for this program will make any real difference in reducing the flow of drugs into this country. Frankly, I would prefer we consider reducing funding from fiscal year 1995 levels, but, at the very least, I think we should not increase funding. I suggest that the $45 million added beyond current-year levels will be better used elsewhere within this bill, or for deficit reduction.

Mr. President, I think I am beyond my time.

I ask unanimous consent for 2 additional minutes to speak to an amendment I would like to offer as well.

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

Mrs. KASSEBAUM. First, I conclude my statement by saying that despite the concerns I have raised I believe this bill on the whole represents very responsible leadership in the field of foreign affairs. I intend to support it.

AMENDMENT NO. 2710

Mrs. KASSEBAUM. Mr. President, I rise today to submit an amendment on Liberia.

Mr. MCCONNELL. Mr. President, I think we need to lay aside the pending amendments.

Mrs. KASSEBAUM. I send that amendment to the desk. I understand it will be a noncontroversial amendment and it is just to express strong support for the latest Liberia peace agreement and facilitate the provision of limited United States assistance to Liberia.

It will be considered at another time.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for a unanimous-consent agreement.

AMENDMENT NO. 2708

Mr. PELL. Mr. President, I wish to speak in connection with the Brown amendment on Pakistan. As many of us know, deliveries of United States military equipment purchased by Pakistan have been suspended since 1990 under the terms of the Pressler amendment. This amendment would lift the suspension temporarily to allow the delivery of much of the military equipment—including naval aircraft, missiles, and spare parts. While it would not permit the delivery of the F–16's purchased by Pakistan but still undelivered, the amendment would allow for a plan to sell the F–16's to a third country and to provide those proceeds to Pakistan.

The sponsors of this amendment argue that it will help to improve United States relations with Pakistan. I want to say at the outset that I well understand the importance of good relations with Pakistan. Not only was Pakistan an important ally in the Afghan resistance to the Soviet Union, but Pakistan also continues to be a key player in the South Asia region.

I also wish to be supportive of the current Prime Minister, Benazir Bhutto. When Pakistan was ruled by an oppressive military dictatorship, I tried to be helpful in securing Mrs. Bhutto's release from house arrest, and in promoting a return to democracy in Pakistan. I have long considered Prime Minister Bhutto a friend, and have promised her to do what I can to ensure strong United States-Pakistani relations. That being said, I must balance my support and affection for Pakistan against what I believe to be right for United States nonproliferation policy. And I believe that this amendment goes too far. I support resuming economic assistance, but oppose the delivery of the military equipment. I will vote accordingly when the time comes.

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

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

The PRESIDING OFFICER. The pending question is on the Brown motion to table the Brown amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Oregon [Mr. HATFIELD] is absent due to illness.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote ''yea.''

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of attending a funeral.

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

The result was announced—yeas 37, nays 61, as follows:

[Rollcall Vote No. 452 Leg.]

YEAS—37

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

NAYS—61

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

NOT VOTING—2

Hatfield	Pryor

So the motion to lay on the table the amendment (No. 2708) was rejected.

Mr. BROWN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

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

Mr. LEAHY. Mr. President, will the Senator withhold for one moment so I can make an announcement?

Mr. MCCONNELL. I withhold.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, on this subject there will be a briefing at 5:30 in S–407, I am advised by the distinguished Senator from Ohio. It is open to all Senators and is on the subject we just voted on. But that will be in S–407 at 5:30. I wanted to make that announcement.

Mr. GLENN. It is a classified briefing.

Mr. LEAHY. It is a classified briefing.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Brown amendment No. 2708 be temporarily laid aside until 7 p.m. this evening, and at that time there will be 5 hours for debate to be equally divided in the usual form; and when the Senate resumes the amendment on Thursday, there be 1 hour remaining for debate to be equally divided in the usual form; and following the conclusion or yielding back of time, the Senate proceed to vote on the Brown amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. I ask unanimous consent that the quorum call be dispensed with.

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

Mr. MCCONNELL. Mr. President, it is my understanding the Senator from Nevada is prepared to offer an amendment. We would like to handle as many amendments as we can between now and 7, when we resume debate on the Brown amendment.

So I encourage any Senators who have amendments they think can be accepted or would not be controversial to please come over and let us try to get them taken care of before 7, because we have very few remaining contentious amendments after the Pakistan amendment and some Helms amendments.

Mr. President, I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. It is my understanding that we are now working on the committee amendments?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I ask unanimous consent that they be set aside and that I be allowed to offer my amendment.

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

AMENDMENT NO. 2711

(Purpose: To prohibit female genital mutilation, and for other purposes)

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

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

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2711.

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

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

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . FEDERAL PROHIBITION OF FEMALE GENITAL MUTILATION.

(a) TITLE 18 AMENDMENT.—

(1) IN GENERAL.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 116. Female genital mutilation

''(a) Except as provided in subsection (b), whoever knowingly circumcises, excises, or infibulates the whole or any part of the labia majora or labia minora or clitoris of another person who has not attained the age of 18 years shall be fined under this title or imprisoned not more than 5 years, or both.

''(b) A surgical operation is not a violation of this section if the operation is—

''(1) necessary to the health of the person on whom it is performed, and is performed by a person licensed in the place of its performance as a medical practitioner; or

''(2) performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.

''(c) In applying subsection (b)(1), no account shall be taken of the effect on the person on whom the operation is to be performed of any belief on the part of that or any other person that the operation is required as a matter of custom or ritual.

''(d) Whoever knowingly denies to any person medical care or services or otherwise discriminates against any person in the provision of medical care or services, because—

''(1) that person has undergone female circumcision, excision, or infibulation; or

''(2) that person has requested that female circumcision, excision, or infibulation be performed on any person;

shall be fined under this title or imprisoned not more than one year, or both.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

''116. Female genital mutilation.''.

(b) INFORMATION AND EDUCATION REGARDING FEMALE GENITAL MUTILATION.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall carry out the following activities:

(A) Compile data on the number of females living in the United States who have been subjected to female genital mutilation (whether in the United States or in their countries of origin), including a specification of the number of girls under the age of 18 who have been subjected to such mutilation.

(B) Identify communities in the United States that practice female genital mutilation, and design and carry out outreach activities to educate individuals in the communities on the physical and psychological health effects of such practice. Such outreach activities shall be designed and implemented in collaboration with representatives of the ethnic groups practicing such mutilation and with representatives of organizations with expertise in preventing such practice.

(C) Develop recommendations for the education of students of schools of medicine and osteopathic medicine regarding female genital mutilation and complications arising from such mutilation. Such recommendations shall be disseminated to such schools.

(2) DEFINITION.—For purposes of this subsection, the term ''female genital mutilation'' means the removal or infibulation (or both) of the whole or part of the clitoris, the labia minor, or the labia major.

(c) EFFECTIVE DATES.—

(1) Subsection (b) shall take effect immediately, and the Secretary of Health and Human Services shall commence carrying it out not later than 90 days after the date of the enactment of this Act.

(2) Subsection (a) shall take effect 180 days after the date of the enactment of this Act.

Mr. REID. Mr. President, last September, about a year ago, I introduced a resolution condemning the practice of female genital mutilation.

At that time, there was talk on the Senate floor that perhaps the United Nations would do something, perhaps some States would do something. The fact of the matter is, a year has gone by and this practice continues.

Mr. President, it is very difficult for me to stand and talk about something as repulsive and as cruel and as unusual as this practice is. But I feel that we have an obligation to speak about the unspeakable, and that is what I am on the floor to talk about today.

What is female genital mutilation? I will be as brief in the description as I can be, but I feel that it is important to my colleagues for me to explain in some detail what this practice is.

There are many countries around the world that allow this practice to take place. Some call it female circumcision.

There are a number of countries around the world that this is, in effect, a rite of passage for little girls. Little girls between the ages of 6 and 11 are forced into this gruesome ritual of female circumcision by their parents most of the time.

The procedure is something that has been written about at great length, and for purposes of this debate, we will refer to this as FGM, female genital mutilation. I will not refer to those terms anymore.

Mr. President, in its most extreme forms, a little girl's external sexual organs are scraped away entirely, and then the procedure—most of the time very crudely, this is rarely, rarely done by physicians—the vulva is sewn together with some type of stitching. Many times, Mr. President, the little girl's legs are bound together for weeks while a permanent scar forms.

The reasons for this are historical in nature. No one really knows. In that this takes place in many Moslem countries, I think this is fair to say this is not in the Koran, this is nothing that is taught by the Koran, but it is practiced in 20 African countries, in Oman, South Yemen, United Arab Emirates, Malaysia, India, Pakistan.

So, I think we have the general idea of what this procedure is.

Why should we be talking about this on the floor of the U.S. Senate? We talk about it because it is important to focus attention on what is going on around the world, of course. It is important because these girls who go through this process die on occasion, but they are permanently scarred, not only physically but emotionally, because the immediate effect is bleeding, shock, infections, and even death because of hemorrhage and unhygienic conditions.

The reason I am involved in this is because I received a call from a close personal friend of mine in Las Vegas, NV, a mother of six children who called me to say that she had watched the night before the most repulsive thing that she had ever seen on television, and this was a picture which I saw on video later of a little girl having this process performed on her in Egypt.

As a result of that, I felt it was important that I learn more about it, as I have done. I have learned that some 15 percent of all these females die of bleeding or infections. As I have already stated, the rest of their lives the women are afflicted with scarring, physically and emotionally. They also have recurring infections, some suffer complicated and sometimes even fatal childbirths.

I realize the significance of this ritual in the cultural and societal systems in communities of Asia, Africa and the Middle East where it is done often. This procedure has been performed on not hundreds of women, not thousands of women, but we are now into the millions of women.

I repeat, this is a cruel and tortuous procedure performed on young girls against their will. The United States must make all efforts to condemn and to curb this practice.

Some might say that FGM is not a concern of the United States. Mr. President, it is a concern of the United States, because it does occur in the United States. Because of immigration patterns and for other reasons, this ritual comes to the United States with people coming from other parts of the world. The same procedure has been outlawed in the United Kingdom, Sweden, Switzerland, to name just a few. They have all passed legislation prohibiting FGM. France and Canada maintain that FGM violates already established laws.

So we in the United States also must speak out against this torture to women in the United States. Hopefully by speaking out, it will focus attention on this practice that is going on in other parts of the world.

I am really surprised that the United Nations takes up all the human rights things that they do, and I can appreciate that. We as a country take up human rights concerns. People who go to prison may spend too much time in prison. Why should we not speak out on the torture taking place on a daily basis to women throughout the world? This seems much more egregious than some of the other things we throw up our arms about dealing with human rights violations.

What this amendment does is make it illegal to perform the procedures of FGM on girls younger than 18. The legislation defines the following measures: That we compile data on the number of females in the United States who have already been subjected to this; that we identify communities in the United States in which FGM is practiced; that we design and implement outreach activities to inform people of the physical and psychological effects of FGM; and that we develop recommendations for educating students in our medical schools on treating women who have been subject to this torture.

As I have stated, this is difficult to talk about, but ignoring the issue perpetuates the silent acquiescence to this barbarous practice.

I was very happy to hear that at the conference in Beijing, China, which was just completed last weekend, that FGM was a topic at the U.N. Conference on Women. I say through this legislation, the United States can acknowledge the importance of this issue to all women.

I further say, Mr. President, that I appreciate the support of my efforts in this matter by Senator MOSELEY-BRAUN, Senator WELLSTONE, and Senator SIMON. I hope, Mr. President, that this matter will be resoundingly accepted. I think it is important for us as a body, as a Congress, and as a Nation to speak out against this. The very least we can do is have a law on the books that makes this illegal in our country.

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

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

Mr. WELLSTONE. Mr. President, the issue of female genital mutilation [FGM] was first brought before the Senate last September when Senator REID introduced a sense-of-the-Senate resolution condemning this cruel ritual practice and commending the Government of Egypt for taking quick action against two men who performed this deed on a 10-year-old girl in front of CNN television cameras.

This amendment would make it illegal to perform the procedures of FGM on girls younger than 18. In addition, it proscribes the following measures as necessary to the eradication of this procedure: compiling data on the number of females in the U.S. who have been subjected to FGM, identifying communities in the United States in which it is practiced, designing and implementing outreach activities to inform people of its physical and psychological effects, and developing recommendations for educating students in medical schools on treating women and girls who have undergone mutilations. I am proud to be a cosponsor of this amendment that addresses an issue so crucial to the mental and physical health of women and girls.

The ritual practice of female genital mutilation currently affects an estimated 80 million women in over 30 countries. Although FGM is most widespread in parts of Africa, the Middle East, and the Far East, immigrants from practicing groups have brought the custom to wherever they have settled.

In the countries and cultures of its origin, FGM is most commonly performed with crude instruments such as dull razor blades, glass, and kitchen knives while the girl is tied or held down by other women. In most cases, anesthesia is not used. Afterwards, herb mixtures, cow dung, or ashes are often rubbed on the wound to stop the bleeding.

Aside from the obvious emotional and physical trauma which are caused by this procedure, it has been estimated that 15 percent of all circumcised females die as a result of the ritual. The long term effects dealt with by American doctors who treat mutilated women and girls are listed by the New England Journal of Medicine as including chronic pelvic infections, infertility, chronic urinary tract infections, dermoid cysts (which may grow to the size of a grapefruit), and chronic anxiety or depression.

Although female genital mutilation has sometimes been viewed as a purely cultural phenomena, it is clear that no ethical justification can be made for this inhumane practice in any country.

Additionally, FGM has already been banned in many Western nations. In 1982, Sweden passed a law making all forms of female circumcision illegal, and the United Kingdom passed a similar law in 1985. France, the Netherlands, Canada, and Belgium have each set a precedent for the illegality of female circumcision by holding that it violates laws prohibiting bodily mutilation and child abuse. Action has been taken to enforce the statutes banning this practice in all the countries I've just mentioned.

However, due to complex cultural factors, dealing with this issue in the United States requires more than making the ritual practice of FGM illegal. Immigrant parents in the United States who import a circumciser from their home country or find an American doctor willing to perform the procedure claim to do so out of a desire to do the best thing for their daughters. In the societies and cultures that practice it, FGM is said to be an integral part of the socialization of girls into acceptable womanhood. Often, the mutilations are perceived by a girl's parents as her passport to social acceptance or the required physical marking of her marriageability. In spite of its obvious cruelty therefore, FGM is a part of cultural identity. Clearly, female genital mutilation must be dealt with in a manner which takes into account its complex causes and meanings.

Because of the complexity of this issue and the lack of available information regarding FGM in the United States, this amendment includes a provision ensuring that research be carried out to determine the number of females in the U.S. who have undergone mutilations. This research would also

document the types of physical and psychological damage dealt with by American medical professionals who treat mutilated woman.

Finally, this amendment would ensure that medical students are educated in how to treat women and girls who have undergone FGM. In 1994, the New England Journal of Medicine reported that pregnant women who have undergone infibulation—in which the labia majora are stitched to cover the urethra and entrance to the vagina—are at serious risk, as are their unborn babies, if treated by physicians who have not been trained in dealing with infibulated women. In fact, untreated infibulated women have double the risk of maternal death and several times increased risk of stillbirth when compared with women who have not undergone mutilation.

Passage of this amendment would also send a clear message to American medical professionals, some of whom reportedly have been offered as much as $3,000 to perform mutilations on young girls. It would see to it that the names of Western doctors who mutilate girls would no longer be passed around in immigrant communities.

Female genital mutilation is the world's most widespread form of torture, yet no other mass dilation of humanity has received so comparatively little journalistic or governmental attention. We in the United States should make it clear that it is a serious crime if it occurs here. I urge my colleagues to support this amendment as an essential tool in the straggle against the perpetuation of this heinous practice.

Mr. MCCONNELL. Mr. President, I am not aware of any opposition to the Reid amendment. We are prepared to accept it.

Mr. LEAHY. Mr. President, I compliment the Senator from Nevada. I have heard him discuss this in Appropriations Committee. I know this is something he feels passionately about. We have no objection to it.

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

The amendment (No. 2711) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, the Senator from Alaska is here.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the pending committee amendment be laid aside.

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

Mr. MURKOWSKI. 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. MURKOWSKI. 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. MURKOWSKI. I ask unanimous consent to offer a freestanding amendment.

Mr. LEAHY. Reserving the right to object, I still have no idea what is in the amendment. I wonder if I might have a chance at least to see it before I agree.

Mr. MURKOWSKI. I am happy to provide the Senator from Vermont with a copy of the amendment. It would be a freestanding amendment.

Mr. McCONNELL. May I suggest the Senator from Alaska explain the amendment before he sends it up.

Mr. LEAHY. Mr. President, I advise my friend from Alaska, I do not want to block him from getting the amendment up, but I want some idea of what it is. Maybe he might try explaining it and then remake the motion.

Mr. MURKOWSKI. I thank my colleagues from Kentucky and Vermont.

My amendment adds specificity to the timing as well as the sequencing of aspects that are key to the agreed framework on nuclear issues, which the administration signed with North Korea last October. This would ensure that everyone, including the North Koreans, knows exactly how and when—and if—the funding will be provided by the Congress or additional diplomatic or economic steps will be taken toward North Korea.

The amendment parallels much of House Joint Resolution 83 passed September 18 by the House of Representatives. The Senate, I think, should go on record in similar detail.

I am pleased that the amendment is cosponsored by the chairman of the Foreign Relations Committee, Senator HELMS, as well as Senator MCCAIN, one of the Senate's most respected voices on North Korean matters, and the Senate Republican Policy chairman, Senator NICKLES.

AMENDMENT NO. 2712

(Purpose: To provide authorization for implementation of the Agreed Framework between the United States and North Korea)

Mr. MURKOWSKI. Mr. President, with permission of the floor managers, I propose a freestanding amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], proposes an amendment numbered 2712.

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 appropriate place insert the following:

AUTHORIZATION FOR IMPLEMENTATION OF THE AGREED FRAMEWORK BETWEEN THE UNITED STATES AND NORTH KOREA

SEC. 575. (a) This section may be cited as the ''Authorization for Implementation of the Agreed Framework Between the United States and North Korea Act''.

(b)(1) The purpose of this section is to set forth requirements, consistent with the Agreed Framework, for the United States implementation of the Agreed Framework.

(2) Nothing in this section requires the United States to take any action which would be inconsistent with any provision of the Agreed Framework.

(c)(1) The United States may not exercise any action under the Agreed Framework that would require the obligation or expenditure of funds except to the extent and in the amounts provided in an Act authorizing appropriations and in an appropriations Act.

(2) No funds may be made available under any provision of law to carry out activities described in the Agreed Framework unless the President determines and certifies to Congress that North Korea is in full compliance with the terms of the Agreed Framework.

(d) None of the funds made available to carry out any program, project, or activity funded under any provision of law may be used to maintain relations with North Korea at the ambassadorial level unless North Korea has satisfied the IAEA safeguards requirement described in subsection (g), the additional requirements set forth in subsection (h), and the nuclear nonproliferation requirements of subsection (i).

(e)(1) The President shall not terminate the economic embargo of North Korea until North Korea has satisfied the IAEA safeguards requirement described in subsection (g), the additional requirements set forth in subsection (h), and the nuclear nonproliferation requirements of subsection (i).

(2) As used in this subsection, the term ''economic embargo of North Korea'' means the regulations of the Department of the Treasury restricting trade with North Korea under section 5(b) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)).

(f)(1) If North Korea does not maintain the freeze of its graphite-moderated nuclear program as defined in the Agreed Framework, or if North Korea diverts heavy oil for purposes not specified in the Agreed Framework, then—

(A) no additional heavy oil may be exported to North Korea if such oil is subject to the jurisdiction of the United States, or is exported by a person subject to the jurisdiction of the United States;

(B) the United States shall immediately cease any direct or indirect support for any exports of heavy oil to North Korea; and

(C) the President shall oppose steps to export heavy oil to North Korea by all other countries in the Korean Peninsula Energy Development Organization.

(2) Whoever violates paragraph (1)(A) having the requisite knowledge described in section 11 of the Export Administration Act of 1979 (50 U.S.C. App. 2410) shall be subject to the same penalties as are provided in that section for violations of that Act.

(g) The requirement of this section is satisfied when the President determines and certifies to the appropriate congressional committees that North Korea is in full compliance with its safeguards agreement with the International Atomic Energy Agency (INFCIRC/403), in accordance with part IV (3) of the Agreed Framework under the timetable set forth therein, as determined by the Agency after—

(1) conducting inspections of the two suspected nuclear waste sites at the Yongbyon nuclear complex; and

(2) conducting such other inspections in North Korea as may be deemed necessary by the Agency.

(h) The additional requirements referred to in subsections (d) and (e) are the following, as determined and certified by the President to the appropriate congressional committees:

(1) That progress has been made in talks between North Korea and the Republic of Korea, including implementation of confidence-building measures by North Korea as well as other concrete steps to reduce tensions.

(2) That the United States and North Korea have established a process for returning the remains of United States military personnel who are listed as missing in action (MIAs) during the Korean conflict between 1950 and 1953, including field activities conducted jointly by the United States and North Korea.

(3) That North Korea no longer meets the criteria for inclusion on the list maintained by the Secretary of State under section 6(j)(1)(A) of the Export Administration Act of 1979 of countries the governments of which repeatedly provide support for acts of international terrorism.

(4) That North Korea has taken positive steps to demonstrate a greater respect for internationally recognized human rights.

(5) That North Korea has agreed to control equipment and technology in accordance with the criteria and standards set forth in the Missile Technology Control Regime, as defined in section 74(2) of the Arms Export Control Act (22 U.S.C. 2797c).

(i) The nuclear nonproliferation requirements referred to in subsections (d) and (e) are the following, as determined and certified by the President to the appropriate congressional committees and the Committee on Energy and Natural Resources of the Senate:

(1) All spent fuel from the graphite-moderated nuclear reactors of North Korea have been removed from the territory of North Korea as is consistent with the Agreed Framework.

(2) The International Atomic Energy Agency has conducted any and all inspections that it deems necessary to account fully for the stocks of plutonium and other nuclear materials in North Korea, including special inspections of suspected nuclear waste sites, before any nuclear components controlled by the Nuclear Supplier Group Guidelines are delivered for a light water reactor for North Korea.

(3) The dismantlement of all graphite-based nuclear reactors in North Korea, including reprocessing facilities, has been completed in accordance with the Agreed Framework and in a manner that effectively bars in perpetuity any reactivation of such reactors and facilities.

(j) The United States shall suspend actions described in the Agreed Framework if North Korea reloads its existing 5 megawatt nuclear reactor or resumes construction of nuclear facilities other than those permitted to be built under the Agreed Framework.

(k) The President may waive the application of subsection (g), (h), (i), or (j) if the President determines, and so notifies in writing the appropriate congressional committees, that to do so is vital to the security interests of the United States.

(k)(1) Beginning 6 months after the date of enactment of this Act, and every 12 months thereafter, the President shall transmit to the appropriate congressional committees a report setting forth—

(A) an assessment of the extent of compliance by North Korea with all the provisions of the Agreed Framework and this subtitle;

(B) a statement of the progress made on construction of light-water reactors, including a statement of all contributions, direct and indirect, made by any country to the Korean Peninsula Energy Development Organization from the date of signature of the Agreed Framework to the date of the report;

(C) a statement of all contributions, direct or indirect, by any country which is not a member of the Korean Peninsula Energy Development Organization for implementation of the Agreed Framework;

(D) a statement of all expenditures made by the Korean Peninsula Energy Development Organization, either directly or indirectly, for implementation of the Agreed Framework;

(E) an estimate of the date by which North Korea is expected to satisfy the IAEA safeguards requirement described in subsection (g);

(F) a statement whether North Korea is transferring missiles or missile technology to other countries, including those countries that are state sponsors of international terrorism;

(G) a description of any new developments or advances in North Korea's nuclear weapons program;

(H) a statement of the progress made by the United States in fulfilling its actions under the Agreed Framework, including any steps taken toward normalization of relations with North Korea;

(I) a statement of any progress made on dismantlement and destruction of the graphite-moderated nuclear reactors of North Korea and related facilities;

(J) a description of the steps being taken to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula;

(K) an assessment of the participation by North Korea in talks between North Korea and the Republic of Korea; and

(L) a description of any action taken by the President under subsection (f)(1)(B).

(2) To the maximum extent possible, the President should submit the report in unclassified form.

(l) As used in this section:

(1) AGREED FRAMEWORK.—The term ''Agreed Framework'' means the document entitled ''Agreed Framework Between the United States of America and the Democratic People's Republic of Korea'', signed October 21, 1994, at Geneva, and the attached Confidential Minute.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committees on Foreign Relations and Armed Services of the Senate and the Committees on International Relations and National Security of the House of Representatives.

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

(4) NORTH KOREA.—The term ''North Korea'' means the Democratic People's Republic of Korea, including any agency or instrumentality thereof.

(5) INSPECTIONS.—The term ''inspections'' means inspections conducted by the International Atomic Energy Agency pursuant to an IAEA safeguards agreement, including special inspection of undeclared information or locations if the IAEA cannot account for nuclear material and is therefore unable to verify that there has been no diversion of nuclear materials.

Mr. MURKOWSKI. Mr. President, in view of the fact that much of the opening description of the amendment has already been read, I am going to dispense with that. I am sure the reporter has it.

Let me take a moment and review for my colleagues what was in the October framework agreement that I think deserves a little reflection. You will all recall that North Korea gets two 1000-megawatt light water reactors at a cost of at least $4 billion. We do not know exactly what that cost might be. It might be more than that right now. North Korea gets free oil, $500 million worth, until the new reactors can be brought on line. And North Korea gets normalized relations and relaxed trade restrictions with the United States, which they have sought for a number of decades. North Korea gets freedom from the IAEA special inspections for some years into the future.

I might add that North Korean is the only country which has been exempted from immediate special inspections by the International Atomic Energy Agency, to exempt from the mandatory inspections. South Africa, for example, opened up its entire program for inspection. So, clearly, what we have done in North Korea is without precedent.

Furthermore, we were led to believe that the United States would not be responsible for any significant funding. I am told unofficially that after we get a little further along the line with the commitments to provide the light water reactors, we are going to be asked to contribute a significant amount of aid for switch gear. The switch gear is the mechanical capability to dispense power once the power is generated, and the North Koreans do not have that capability, nor do they have anywhere near the capacity in their current switching gear. They will be requesting assistance in the amount of roughly $1 billion. We should see that as a likely reality.

I have told you what was in the October deal and what the North Koreans get. Let us review what we get. We get North Korea's promise to freeze the current nuclear program, including their graphite-moderated reactors and reprocessing facilities; we get North Korea's promise for the IAEA special inspections—only we get it some 5 years in the future, something they previously agreed to in January of 1992 but have refused to allow.

Finally, we get North Korea's promise that its some 8,000 spent nuclear rods filled with weapons-grade plutonium will not be reprocessed in North Korea. In the interim, we have won the right to stabilize these rods, at, apparently, our expense. The question of where these rods are going to be stored is still open—we have an issue in our own country, a significant issue, on the unacceptability of storing high-level nuclear waste rods at our power sites. That is what we get—promises, but nothing else yet.

So I remain a critic of several aspects of the deal, although, as they say, hindsight is cheap. I also recognize

that the administration, of course, had the authority to negotiate the deal. I have always been critical of the deal because I think we gave away our leverage when we allowed the North Koreans to simply dictate the terms of the agreement. When you negotiate a deal, there are certain things that are on the table and certain things that are not on the table. The fact that we allowed the North Koreans to be exempt from special inspections, I think, was a very, very poor decision on behalf of the administration. Nevertheless, it is a decision that was made by the administration.

But I do believe that Congress has a role as well, and that role has thus far been somewhat ignored. It has been piqued when we had discussions or floor statements on the subject. But I do not think we can ignore it any longer, now that the administration has turned to us for funding. I will have, in a future speech, some specific references where the administration assured us there will be very little likelihood of significant funding.

However, today we are told the administration has sought funding from Congress for all aspects of the deal—all aspects: delivering heavy oil, dealing with spent fuel, the light water reactor project, and even the setup costs of KEDO. That is the international consortium that is attempting to put this together.

For fiscal year 1995, the administration spent $4.7 million in emergency Department of Defense funds. I have heard members of the Armed Services Committee on this floor question how in the world Department of Defense emergency funds could ever be utilized for this purpose. But that is where the administration saw fit to expend the funds. The administration took $4.7 million in emergency DOD funds and bought heavy oil for North Korea.

What did North Korea do with the heavy oil? They were supposed to use it for power generation. We know for a fact some of it was funneled off into industrial complexes, and it was interesting to note there was an increase in military activity shortly after that oil flowed in, which I find rather confounding. Mr. President, $10 million in reprogrammed Department of Energy funds have been used and $4 million from reprogrammed Department of State funds.

So when the administration suggests it is not going to cost much, we have already expended approximately $20 million.

For this fiscal year, the administration has requested $22 million in Department of State funds and $5 million of Department of Energy funds—about $27 million.

If U.S. taxpayers' funds are going to be used, then I think Congress must play a monitoring role. My legislation outlines that role for the Congress.

The proposed amendment is consistent with the agreed framework. It is not an attempt to sabotage the agreement, but the amendment does attempt to hold North Korea to its promises before the United States simply gives it everything it wants. So far we have been doing all the giving and North Korea has been doing all the taking. Eventually North Korea, too, has to do some giving, including giving up entirely its nuclear ambitions as well as the sale of arms to other nations.

Specifically, before the United States fully normalizes political and economic relations with North Korea, my amendment would require the full implementation of the IAEA safeguards requirements, including allowing inspections of the two suspected nuclear waste sites; allowing the removal of all spent fuel to a third country—any third country, of course, other than the United States, by preference; and making progress in North-South dialog.

In addition, North Korea must address other areas of U.S. concern:

First, they must agree to go beyond the current and very ineffective process for returning remains of United States missing in action from the North Korean war. Mr. President, currently we have 8,177—8,177—still listed as missing in action in North Korea. We have reason to believe we know where many of those remains might be, as we have identified crash sites and other areas of high-intensity activity.

It is interesting to do a comparison: 8,177 MIA's in North Korea, 1,621 in Vietnam. Yet the entire focus of the Nation has been traditionally on those missing in action in the Vietnam conflict. As a consequence of the success of the joint field activities in Vietnam, we propose that same type of joint field activities in North Korea.

Finally, North Korea must cease the export of ballistic missiles and related military technology. There is evidence that North Korea is exporting missiles to Iran, among other terrorist nations, from time to time.

The amendment would also condition future funding on North Korea fulfilling the terms of the agreed framework and the confidential minute in accordance with the schedule set forth on the agreed framework.

On the particular issue of the supply of heavy oil, the amendment would restrict U.S. support for exports of heavy oil if North Korea diverts heavy oil to purposes not specified in the agreed framework or otherwise is not in compliance with the agreed framework. We have already seen violations of this section of the agreement, as I have outlined for my colleagues.

Finally, the amendment makes clear that the United States will suspend its participation in the agreed framework if North Korea reloads its existing 5 megawatt reactor or resumes construction of nuclear facilities.

In concluding, let me reiterate that this amendment should not be seen as a rejection of the committee's original language but as a necessary enhancement. It contains a reasonable and detailed road map for progress in the United States-Democratic Republic of North Korea relations, while providing an appropriate monitoring role for Congress, because after all it is our money.

The House has also taken similar action. I think we should take steps to ensure that North Korea keeps its promises. I urge my colleagues and the administration to support this approach in the national interest and in the interest of continuity.

I thank my colleagues and I yield the floor.

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. McCONNELL. I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

Mr. McCONNELL. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is the Murkowski amendment No. 2712.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Murkowski amendment be laid aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, on behalf of the Senator from Florida, Senator MACK, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

Mr. McCONNELL. Not to be considered, just to be filed.

The PRESIDING OFFICER. The amendment will be submitted and numbered.

AMENDMENTS NOS. 2710, 2714 THROUGH 2722, EN BLOC

Mr. McCONNELL. Mr. President, I have seven amendments that are routine, and as far as I know there are no objections to them. Let me list them: an amendment by Senator SPECTER on section 660, which has to do with police training; amendments for myself regarding competitive financing; an amendment by Senator STEVENS of Alaska dealing with the issue of mapping; an amendment by Senator KASSEBAUM already at the desk regarding Liberia; an amendment by Senator BINGAMAN concerning energy; two amendments by Senator MACK, one relating to the World Bank and one relating to the index of economic freedom; and an amendment by my colleague from Vermont on Honduras.

Mr. President, I send those amendments to the desk en bloc and I ask for their immediate consideration.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes amendments numbered 2710, 2714 through 2722 en bloc.

Mr. McCONNELL. I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 2710

(Purpose: Expressing the sense of the Congress with respect to the peace process in Liberia)

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

LIBERIA

SEC. . (a) The Congress finds that—

(1) the war in Liberia begun in 1989 has devastated that country, with more than 150,000 people killed, 800,000 people forced to flee to other countries, and thousands of children conscripted into the rebel armies;

(2) after nearly six years of conflict, on August 19, 1995, the Liberia factions signed a peace agreement in Abuja, Nigeria; and

(3) the Liberian faction leaders and regional powers appear to be committed to the most recent peace accord, including the installation of the new ruling council.

(b) It is the sense of the Congress that the United States should strongly support the peace process in Liberia, including diplomatic engagement, support for the west African peacekeeping force, humanitarian assistance, and assistance for demobilizing troops and for the resettlement of refugees.

(c) Section 1(b)(2) of Public Law 102–270 is amended by striking ''to implement the Yamoussoukro accord''.

Mrs. KASSEBAUM. Mr. President, I rise today to offer an amendment on Liberia. I am pleased to be joined by Senator SIMON, former chairman of the Africa Subcommittee, and Senator FEINGOLD, ranking member of the Subcommittee.

This amendment expresses strong support for the latest Liberia peace agreement and facilitates the provision of limited United States assistance to Liberia.

Begun on Christmas day 1989, the civil war in Liberia has devastated that country. More than 150,000 people have been killed, mostly innocent women and children. Upward of three-quarters of a million people have been forced to flee to neighboring countries. Most heart-wrenching is the disastrous effect of the war on the children of Liberia. Many young boys—probably tens of thousands—have been conscripted by the warring factions, handed weapons sometimes bigger than they are, and sent into battle.

Mr. President, in August 1990, the Economic Community of West African States sent a peacekeeping force led by Nigeria. The force, called ECOMOG, did stop the rebel advance—but over time became one of the combatants and did little to bring peace to Liberia.

And, the situation has only become more confused the last couple of years. The number of factions multiplied. Some of these groups have split and others connected with a rebel movement in Sierra Leone. ECOMOG formed alliances with certain factions. Arms flows continued. Clearly the warlords appeared much more interested in their personal power and wealth than in the future of their country.

After more than 5 years of brutal and inhuman conflict, many in the outside world had simply given up on Liberia. I must say that I was one who had become increasingly frustrated with the situation and pessimistic about the future of Liberia.

Yet, in the midst of the cynicism, we have seen a dramatic and very positive breakthrough in Liberia. Last month, the major faction leaders—under intense pressure from Ghanaian President Jerry Rawlings—signed a peace agreement in Abuja, Nigeria. Unlike the previous 11 accords, many believe and hope that this is a peace accord with a difference. For once, the Nigerians—the leaders of ECOWAS—and rebel leader Charles Taylor appear to have reached an understanding. All the major faction leaders are part of the transition.

Mr. President, I believe that now is the time for the international community, including the United States, to respond positively to this latest development. Liberia is a country founded by a group of freed American slaves. We have a long history of involvement in Liberia and, I believe, a special responsibility for its future.

This amendment expresses the sense of Congress that the United States should strongly support the recent peace accord. We should assist with the ECOMOG peacekeeping force. We should help demobilize the troops, many of which are children. We should support efforts to resettle the refugees.

This amendment also facilitates the delivery of United States relief by waiving the Brooke amendment for Liberia for these types of aid. Because of the irresponsible fiscal policies of former President Doe and the war, Liberia is prevented from receiving any nonemergency United States assistance under the Brooke amendment.

In 1992, I sponsored a bill—signed into law by President Bush—which waives the Brooke amendment for limited types of assistance to Liberia. That action followed an earlier peace accord that many hoped would end the fighting. But, as we know, the war resumed, and the current authority does not apply because the law refers only to the Yamoussoukro accord. This amendment simply deletes the reference to ''Yamoussoukro'' in the current law. It does not appropriate any new money or affect direct spending. It only gives the President the limited authority to support the latest peace agreement in Liberia from existing accounts.

Mr. President, I would urge support for this amendment. I believe it is a limited, but important, step in facilitating United States assistance for Liberia at this critical time. It is my hope that this latest peace agreement will hold and the devastating and brutal conflict in Liberia will finally end.

Mr. FEINGOLD. Mr. President, before I begin speaking about Liberia, I would like to congratulate the managers of this bill for the good work they have done on behalf of Africa in this bill. The Chairman's mark reflects cuts to the accounts that affect development in sub-Saharan Africa, but they do not paralyze our program or signal a United States withdrawal from the region. I think the Chairman acted very responsibly, and I would urge him and the other Senate conferees to protect this mark, at a minimum, in conference. The case for continued support for Africa is strong, and, I believe, that the United States has serious national security interests in the region, which make our investment there an imperative.

Today I want to talk about Liberia specifically, though, and to speak as a cosponsor of the Kassebaum amendment on Liberia, which I expect is noncontroversial. The amendment will make what a technical fix in existing law, and permit the United States to provide assistance to Liberia to implement the Abuja peace accords reached last month.

Since 1989, Liberia has suffered some of the most wretched and vengeful warfare in Africa. More than 180,000 people have been killed; approximately half the country's population has been displaced; and the capital city of Monrovia is bursting with three times its prewar population. The country has been shattered by senseless ethnic and individual rivalries, and has been on the verge of total collapse and anarchy. The conflict has contributed to instability throughout West Africa, and serious violence—mirroring Liberia's factional divides—has recently erupted in Sierra Leone.

I had the opportunity last year to visit Liberia with the past chairman of the Subcommittee on African Affairs, Senator SIMON, and listened to firsthand accounts about the war. Children were fighting children to seek revenge for relatives' deaths, or just simply to earn a day's food; arms flow from state to state, available to anyone seeking anything explosive; and violence marks the life of every Liberian citizen.

Since 1989 the United States has provided over $380 million for humanitarian relief in Liberia, and $60 million for efforts aimed at conflict resolution. The United Nations has maintained a small peacekeeping mission in Liberia, and the Economic Community of West African States [ECOWAS] has deployed thousands of peacekeepers in an effort to quell some of the violence. It has been a difficult assignment, to say the least.

There have been a dozen peace accords in Liberia in the past 6 years. They have failed for a variety of reasons, but most of them were doomed because they were not negotiated with the concept of powersharing for all the factional leaders; rather they sought to isolate some parties, in a war which nobody has won, and in fact everybody has lost. Consequently, there has not

been a unified national will to stop the fighting.

The Abuja accord signed last month, though, represents a new way of doing business in Liberia: for the first time, all seven factions are represented and invested in the agreement; and for the first time, there is a concept of power-sharing in Liberia. It also comes at a time when the people of Liberia have actively demonstrated their yearning for an end to the war. Ghanaian President Jerry Rawlings deserves a great deal of credit for his tenacity and creativity in facilitating the Abuja accord. I also commend the Nigerians for the role they have played in these groundbreaking negotiations.

For that reason, it is with a cautious sense of relief that I congratulate the people of Liberia on the peace agreement, and join Senator KASSEBAUM in urging support for the Abuja accord. Given the discouraging history of this war, success is, quite frankly, a longshot, but this agreement is Liberia's best hope at this time for peace.

The task of reconciliation in Liberia is daunting, so the Abuja accord must be viewed with a healthy dose of skepticism. But if the parties take the first steps and demonstrate their commitment to the process, then the United States will finally have an opportunity—after spending years of investing in humanitarian relief for Liberia—to bolster a peace.

The first signs have been promising. A ceasefire has been in place, and holding more or less, since August 26; the new transitional government, the Council of State, was inaugurated on September 1; an ambitious timeline for disarmament and demobilization has been set; and democratic elections have been scheduled for August 1996. But there is a long and difficult road ahead, with many obstacles to overcome.

For most of the problems, the answers will be hard to come by. For instance, when I was in Monrovia last year, Liberia was in the process of trying to disarm soldiers, pursuant to the Cotonou accords. Yet all they could offer a demobilized soldier was a bag of rice, a jug of cooking oil, and a pair of tennis shoes—just enough to feed a family for a few weeks, and hardly enough to substitute for a job as a soldier. Similarly, to reintegrate a child soldier requires a school and other constructive programs. Clearly, this will be a tremendously complicated and long-term process—one which involves not only national reconciliation, but also the development of alternative economic opportunities.

The United States has a moral interest in the fate of Liberia, and we have responded significantly to the humanitarian disaster of the past 6 years. We now must seize the opportunity to invest in peace. While we have limited funds to allocate to foreign aid at all this year, we can use our unique historical relationship with Liberia and the weight of creative diplomacy to advance the process of reconciliation in Liberia.

First, we must continue to offer support to the Council of State and, where appropriate and possible, facilitate attempts at reconciliation. We should be available to President Rawlings in his efforts through ECOWAS to forge peace in the region as well. Second, we should redouble efforts to work with other West African States—namely Burkina Faso, Cote D'Ivoire, Sierra Leone, and Nigeria—to stop the flagrant arms transfers to Liberia. Third, Liberia should be designated as a priority within our aid budget to Africa, and resources should be allocated accordingly to support the peace process. If the Abuja accords prove successful, then the Assistant Secretary of State for African Affairs, the Honorable George Moose, or other high-ranking Administration officials should consider visiting Monrovia. These are all issues we will explore when the subcommittee holds its hearings on the prospects for peace in Liberia next week.

Over the years, the United States has proven itself willing to contribute in disaster assistance to Liberia. With the Abuja accord, we have a long overdue opportunity to help support a peace. After 6 harsh years of sadistic violence and dislocation, Liberia needs this agreement to succeed. This amendment will clarify that that can happen.

I thank the Chair and yield the floor.

AMENDMENT NO. 2714

(Purpose: To Allow Training of Foreign Police Forces During and After U.S. Military Operations)

On page 81, line 21, strike ''paragraph'' and insert ''paragraphs.'' On page 81, line 23, after ''enforcement.'' insert the following:

''(6) with respect to assistance provided to reconstitute civilian police authority and capability in the post-conflict restoration of host nation infrastructure for the purposes of supporting a nation emerging from instability, and the provision of professional public safety training, to include training in internationally recognized standards of human rights, the rule of law, anti-corruption, and the promotion of civilian police roles that support democracy.''

Mr. SPECTER. Mr. President, for two decades, section 660 of the Foreign Assistance Act of 1961 has prohibited the U.S. Government from training foreign police forces.

There are a number of exemptions, however: For example, antiterrorism and counterdrug training have been permitted. The foreign operations bill contains a new exemption; namely, for training foreign police to monitor and enforce sanctions.

The 1996 foreign operations report contains an additional exemption; that is, training for monitoring and enforcing embargoes.

Deputy Secretary John White and other officials believe that another exemption is needed.

In their view, the U.S. Government should be allowed to carry out police training during and after U.S. military operations.

During military operations in Grenada, Panama, Somalia, and Haiti, public order broke down. Creating new public safety forces in these countries was essential: U.S. forces were unable to leave until there was a new police force in place to protect the public.

But section 660 prohibitions technically prevented the Defense Department—the most effective organization in hostile environments—from performing this training; as the report of the congressionally mandated, bipartisan Commission on Roles and Missions of the Armed Forces stated, ''there are no civilian agencies capable of short notice training in hostile, demanding environment. We expect DOD will continue to be called upon to carry out law enforcement operations in the future.''

The Commission recommended that legislation that restricts the ability of the Federal Government to conduct constabulary training, for example, section 660, should be amended to allow greater DOD participation.

The Pentagon is prepared to accept its responsibility for short-term training in hostile environments, for example, Somalia. Before they do so, however, they wish to see section 660 amended.

The amendment would not require the Defense Department to do the training. Rather, it would allow the President to use whatever Government agency he felt was appropriate. In a lsss hostile environment, for example, Panama after Noreiga's capture, the FBI or other agency might do the training.

AMENDMENT NO. 2715

On page 67, line 11, add the following section:

(b) Direct costs associated with meeting a foreign customer's additional or unique requirements will continue to be allowable under such contracts. Loadings applicable to such direct costs shall be permitted at the same rates applicable to procurement of like items purchased by the Department of Defense for its own use.

AMENDMENT NO. 2716

(Purpose: To require a report providing a concise overview of the prospects for economic growth on a broad, equitable, and sustainable basis in the countries receiving economic assistance under title II of this act)

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

SEC. . INDEX OF ECONOMIC FREEDOM.

(a) REPORTING REQUIREMENT.—The President shall include in the congressional presentation materials on United States bilateral economic assistance submitted to the appropriate congressional committees for a fiscal year a report providing a concise overview of the prospects for economic growth on a broad, equitable, and sustainable basis in the countries receiving economic assistance under title II of this Act. For each country, the report shall discuss the laws, policies and practices of that country that most contribute to or detract from the achievement of this kind of growth. The report should address relevant macroeconomic, microeconomic, social, legal, environmental, and political factors and include economic freedom criteria regarding policies wage and

price controls, state ownership of production and distribution, state control of financial institutions, trade and foreign investment, capital and profit repatriation, tax and private property protections.

(b) COUNTRIES.—The countries referred to in subsection (a) are countries—

(1) for which in excess a total of $5,000,000 has been obligated during the previous fiscal year for assistance under sections 103 through 106, chapters 10, 11 of part I, and chapter 4 of part II of the Foreign Assistance Act of 1961, and under the Support for Eastern Democracy Act of 1989; or

(2) for which in excess of $1,000,000 has been obligated during the previous fiscal year for assistance administered by the Overseas Private Investment Corporation.

(c) CONSULTATION.—The Secretary of State shall submit the report required by subsection (a) in consultation with the Secretary of the Treasury, the Administrator of the Agency for International Development, and the President of the Overseas Private Investment Corporation.

AMENDMENT NO. 2717

(Purpose: To direct USAID contracting of mapping and surveying to qualified U.S. contractors)

Add the following in the appropriate section:

''To the maximum extent possible, the funds provided by this Act shall be used to provide surveying and mapping related services through contracts entered into through competitive bidding to qualified U.S. contractors.''

Mr. STEVENS. Mr. President, I rise to offer an amendment which will require AID to contract out mapping and surveying work to qualified U.S. companies when such work can be accomplished by the private sector.

Mr. President, I am deeply concerned that while the Agency for International Development requires surveying and mapping in countries that receive development assistance, this mapping work is most often contracted out by AID to other government agencies. In many instances Federal agencies are aggressively marketing their mapping capabilities to foreign governments in direct competition with qualified United States companies. Despite language in previous committee reports, the amount of contracting for such services has not increased.

I encourage my colleagues to support this amendment.

AMENDMENT NO. 2718

(Purpose: To reduce the energy costs of Federal facilities for which funds are made available under this Act)

At the appropriate place, insert the following:

SEC. . ENERGY SAVINGS AT FEDERAL FACILITIES.

(a) REDUCTION IN FACILITIES ENERGY COSTS.—The head of each agency for which funds are made available under this Act shall take all actions necessary to achieve during fiscal year 1996 a 5 percent reduction, from fiscal year 1995 levels, in the energy costs of the facilities used by the agency.

(b) USE OF COST SAVINGS.—An amount equal to the amount of cost savings realized by an agency under subsection (a) shall remain available for obligation through the end of fiscal year 1997, without further authorization or appropriation, as follows:

(1) CONSERVATION MEASURES.—Fifty percent of the amount shall remain available for the implementation of additional energy conservation measures and for water conservation measures at such facilities used by the agency as are designated by the head of the agency.

(2) OTHER PURPOSES.—Fifty percent of the amount shall remain available for use by the agency for such purposes as are designated by the head of the agency, consistent with applicable law.

(c) REPORT.—

(1) IN GENERAL.—Not later than December 31, 1996, the head of each agency described in subsection (a) shall submit a report to Congress specifying the results of the actions taken under subsection (a) and providing any recommendations concerning how to further reduce energy costs and energy consumption in the future.

(2) CONTENTS.—Each report shall—

(A) specify the total energy costs of the facilities used by the agency;

(B) identify the reductions achieved; and

(C) specify the actions that resulted in the reductions.

AMENDMENT NO. 2719

(Purpose: To require certification by the Secretary of the State that the International Bank for Reconstruction and Development has not approved any loans to Iran)

On page 39, after line 19, insert the following: ''*Provided further,* That not more than twenty-one days prior to the obligation of each such sum, the Secretary shall submit a certification to the Committees on Appropriations that the Bank has not approved any loans to Iran since October 1, 1994, or the President of the United States certifies that withholding of these funds is contrary to the national interest of the United States.''

AMENDMENT NO. 2720

(Purpose: To require additional reports pursuant to the United States-Hong Kong Policy Act (22 U.S.C. §5731)

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

SEC. . REPORTS REGARDING HONG KONG.

(a) EXTENSION OF REPORTING REQUIREMENT.—Section 301 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5731) is amended in the text above paragraph (1)—

(1) By inserting ''March 31, 1996,'' after ''March 31, 1995,''; and

(2) by striking ''and March 31, 2000,'' and inserting ''March 31, 2000, and every year thereafter,''.

(b) ADDITIONAL REQUIREMENTS.—In light of deficiencies in reports submitted to the Congress pursuant to section 301 of the United States-Hong Kong Policy Act (22 U.S.C. 5731), the Congress directs that reports required to be submitted under that section on or after the date of enactment of this Act include detailed information on the status of, and other developments affecting, implementation of the Sino-British Joint Declaration on the Question of Hong Kong, including—

(1) the Basic Law and its consistency with the Joint Declaration;

(2) the openness and fairness of elections to the legislature;

(3) the openness and fairness of the election of the chief executive and the executive's accountability to the legislature;

(4) the treatment of political parties;

(5) the independence of the judiciary and its ability to exercise the power of final judgment over Hong Kong law; and

(6) the Bill of Rights.

Mr. MACK. Mr. President, the United States-Hong Kong Policy Act and the reports pursuant to that act have contributed to United States policy goals in Hong Kong. Senator MCCONNELL deserves thanks and appreciation for the work he did in seeing that bill passed into law.

The amendment adds the requirement of a report in 1996 and every year after 2000 pursuant to the United States-Hong Kong Policy Act. Currently, reports are not required in those years. The amendment also includes directive language establishing criteria for reporting on six issues related to the implementation of the 1984 Sino-British Joint Declaration on Hong Kong. Past reports have been deficient on these points. The purpose of the directive language, which does not amend the United States-Hong Kong Policy Act, is to give guidance on title III's existing reporting requirements. They do not reflect a departure or a change in Congress's stated policies in the act.

AMENDMENT NO. 2721

(Purpose: To require a report providing a concise overview of the prospects for economic growth on a broad, equitable, and sustainable basis in the countries receiving economic assistance under title II of this act)

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

SEC. . INDEX OF ECONOMIC FREEDOM.

(a) REPORTING REQUIREMENT.—The President shall include in the congressional presentation materials on United States bilateral economic assistance submitted to the appropriate congressional committees for a fiscal year a report providing a concise overview of the prospects for economic growth on a broad, equitable, and sustainable basis in the countries receiving economic assistance under title II of this Act. For each country, the report shall discuss the laws, policies and practices of that country that most contribute to or detract from the achievement of this kind of growth. The report should address relevant macroeconomics, microeconomic, social, legal, environmental, and political factors and include economic freedom criteria regarding policies wage and price controls, state ownership of production and distribution, state control of financial Institutions, trade and foreign investment, capital and profit repatriation, tax and private property protections.

Mr. MACK. Mr. President, once again this year, I have submitted an amendment to require administration reports on economic policies in countries receiving U.S. economic assistance. It seems to me that in the wake of the collapse of communism and the vindication of free-market capitalist economic policies, it is absolutely essential that our policymakers keep in mind the economic principles and protections that have made the United States the freest and strongest country on the face on the Earth.

AMENDMENT NO. 2722

(Purpose: To state the sense of the Congress that the Administration should expeditiously declassify documents relating to Hondurans who were allegedly ''disappeared,'' and for other purposes)

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

SEC. . HONDURAS.

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

(1) In 1981, a secret Honduran army death squad known as Battalion 316 was created. During the 1980's Battalion 316 engaged in a campaign of systematically kidnapping, torturing and murdering suspected subversives. Victims included Honduran students, teachers, labor leaders and journalists. In 1993 there were reportedly 184 unsolved cases of persons who were allegedly ''disappeared.'' They are presumed dead.

(2) At the time, Administration officials were aware of the activities of Battalion 316, but in its 1983 human rights report the State Department stated that ''There are no political prisoners in Honduras.''

(b) DECLASSIFICATION OF DOCUMENTS.—It is the sense of the Congress that the President should order the expedited declassification of any documents in the possession of the United States Government pertaining to persons who allegedly ''disappeared'' in Honduras, and promptly make such documents available to Honduran authorities who are seeking to determine the fate of these individuals.

Mr. LEAHY. Mr. President, amendment that I am sponsoring on behalf of myself, Senator DODD and Senator SARBANES, calls on the administration to declassify documents relating to individuals who were disappeared in Honduras during the 1980's.

There is considerable evidence that in 1981, a secret Honduran army death squad was created with the knowledge and assistance of the American Government. It was known as Battalion 316, and during the 1980's it engaged in a campaign of systematically kidnapping, torturing and murdering suspected subversives. These were labor organizers, human rights activists, journalists, lawyers, students and teachers. The majority of them were engaged in activities that would be lawful in any democracy.

At that time, the American Embassy, which had ample reason to know about these activities, denied them. Even today, U.S. officials who were stationed there claim not to know.

But the fact is that as many as 184 people remain unaccounted for who may have been disappeared, and the Honduran Government, to its credit, has undertaken to determine their fate.

Regrettably, the U.S. Government has not done all it could to assist in this effort. In fact, it has been unhelpful. For that reason, consistent with a letter sent this week to the President by Senator HARKIN, myself, and several other Senators, this amendment calls on the administration to promptly make documents in its possession which pertain to these allegedly disappeared individuals available to Honduran authorities.

I understand this amendment is acceptable to the other side.

Mr. MCCONNELL. Mr. President, as I indicated, I am unaware of any problems with the amendments that have just been submitted to the desk on this side.

Mr. LEAHY. Mr. President, I advise my friend from Kentucky that there are no objections on this side. They have been cleared for adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

So the amendments (Nos. 2710 and 2714 through 2722) were agreed to en bloc.

Mr. MCCONNELL. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I ask unanimous-consent that tonight when we have the debate under the previous unanimous-consent request regarding the Brown amendment, the time on this side under my control be under the control of the distinguished senior Senator from Ohio, Senator GLENN, or his designee.

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

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, let me just say that we are hoping to handle an amendment or two before 7. And I remind everyone that beginning at 7, as Senator LEAHY indicated, there is a period of 5 hours of debate on the Brown amendment which will kick in. But we would like to handle some more amendments before then.

Already I think we can see the light at the end of the tunnel. There is no reason why we cannot finish this bill sometime tomorrow. The number of contentious amendments is relatively small already. So I am optimistic we will be able to finish. Obviously we will be able to finish tomorrow much more easily if we can get some more amendments processed between now and 7. So I would invite anyone to come over. I know that Senator SMITH has an amendment and may well be willing to offer it sometime before 7. But we would welcome anyone to come over.

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. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

Mr. MCCONNELL. Madam President, in keeping with the earlier designation by Senator LEAHY, I ask unanimous consent that all time in opposition to the Brown amendment be under the control of Senator GLENN.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MCCONNELL. For the information of all Senators, I see Senator SMITH is here and it is my understanding we will be able to have a vote on or in relation to the Smith amendment before 7 o'clock, so all Senators should be alert to the fact that there will be, in all likelihood, one more rollcall tonight before we go into debate, the lengthy debate on the Brown amendment.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Madam President, I ask unanimous consent that it be in order to offer an amendment to the committee amendment on page 11, lines 9 and 10.

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

AMENDMENT NO. 2723 TO COMMITTEE AMENDMENT ON PAGE 11, LINES 8 THROUGH 10

(Purpose: To prohibit financial assistance to Vietnam unless certain conditions relating to Americans unaccounted for from the Vietnam war are met)

Mr. SMITH. Madam President, I send this amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for himself, Mr. THOMAS, Ms. SNOWE, and Mr. HELMS, proposes an amendment numbered 2723 to committee amendment on page 11, lines 8 through 10.

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

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

The amendment is as follows:

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

PROHIBITION ON FINANCIAL ASSISTANCE TO THE SOCIALIST REPUBLIC OF VIETNAM

SEC. ____. None of the funds appropriated or otherwise made available by this Act may be used to establish most-favored-nation trading status with the Socialist Republic of Vietnam, or to extend financing or other financial assistance to the Socialist Republic of Vietnam from the Export-Import Bank of the United States, Overseas Private Investment Corporation, or Trade and Development Agency unless the President—

(1) provides Congress with the original case-by-case analytical assessments on unaccounted for American servicemen from the Vietnam Conflict which were completed by the Defense POW/MIA Office in July, 1995; and

(2) certifies to Congress that the Socialist Republic of Vietnam is being fully cooperative and fully forthcoming, on the basis of information available to the United States Government, in the four areas stipulated by the President, namely—

(A) concrete results from efforts by Vietnam to recover and repatriate American remains;

(B) continued resolution of discrepancy cases, live-sightings, and field activities,

(C) further assistance in implementing trilateral investigations with the Lao; and

(D) accelerated efforts to provide all documents that will help lead to the fullest possible accounting of POW/MIAs; and

(3) certifies to Congress, after consultation with the Director of Central Intelligence, that the Socialist Republic of Vietnam is being fully forthcoming in providing the United States with access to those portions of wartime Central Committee-level records and reports that pertain to the subject of Americans captured or held during the Vietnam War by North Vietnamese, Pathet Lao, or Vietcong forces in Vietnam, Laos, and Cambodia; and

(4) certifies to Congress that the Government of the Socialist Republic of Vietnam is making substantial progress to address United States concerns about the continued suppression of the nonviolent pursuit of democratic freedoms by the people of Vietnam, including freedom of expression and association, and the continued imprisonment of political and religious leaders, including American citizens.

Mr. SMITH. Madam President, I do not choose to take too much of the Senate's time. I will be very brief. I know that Senator THOMAS and Senator MCCAIN are going to be speaking for and against the amendment.

I am very pleased in offering this amendment to join with the distinguished chairman of the Foreign Relations Subcommittee on East Asian and Pacific Affairs, Senator THOMAS, in offering this amendment. I very much appreciate his support. I also appreciate the support of the Senator in the chair, the Senator from Maine, for her support and cosponsorship as well.

The language in this amendment is very straightforward. It prohibits the granting of any special trading privileges to the socialist Republic of Vietnam unless the President makes two key certifications to Congress. The first of these is that Vietnam is cooperating fully with efforts to account for missing American servicemen from the Vietnam war.

That is very straightforward. It does not mean that they have to provide answers for every single person who is missing; some they may not be able to provide. The key is, are they fully cooperating with those efforts to account for missing Americans, giving us the help and assistance that we need to try to get information regarding our missing.

Second, that Vietnam has taken steps to improve its human rights record, which is far from exemplary, and that would include addressing United States objections over the detention of American citizens now in Vietnam. The POW/MIA-related portion of this amendment was part of a resolution I introduced this past May which was cosponsored by the majority leader, Senator DOLE, and by the chairman of the Foreign Relations Committee, Senator HELMS, and the chairman of the Armed Services Committee, Senator THURMOND, the Banking Committee chair, the Asian Pacific Subcommittee and Defense Appropriations Subcommittee, the Commerce-State-Justice Appropriations Subcommittee, and the International Operations Subcommittee. All of those chairs supported this.

As my colleagues may recall, since coming to office, President Clinton has taken five major steps to improve relations with Vietnam. Let me just briefly reiterate those.

One, in July 1993, 2 years ago, the President ended United States objections to Vietnam having access to International Monetary Fund loans, a very significant step, moving Vietnam allegedly into the international community.

Second, in September 1993, the President allowed United States companies to bid on internationally financed development projects in Vietnam.

Third, in February, 1994, he ended the U.S. trade embargo.

Fourth, in January 1995, the President allowed Vietnam and the United States to open liaison offices in our respective capitals.

And finally, Madam President, this past summer the President announced his decision to establish diplomatic relations with Vietnam.

So the administration has taken very dramatic steps in the past 2 years to bring Communist Vietnam into the family of nations, but it should not be one-sided, Madam President. There should be a two-sided equation.

Quite frankly, I think it is now time for Vietnam to take some very dramatic steps equaling in significance the steps taken by the President before the American taxpayer is asked to subsidize specific trading privileges with that country.

Specifically, I want the President to tell us if Vietnam is fully cooperating on the POW/MIA issue. That is all I am asking—the President to say Vietnam is fully cooperating with us on the POW/MIA issue.

I would like assurances that Vietnam is addressing our human rights concerns as well.

We also would like the President to provide us with complete information on the status of those who are still missing from the war, something which was required last year by a unanimous vote in this Chamber. By unanimous vote of the Senate, we asked that information on the status of Americans still missing from the Vietnam war be provided to the Congress.

Mr. President, for the information of my colleagues, I would just include three items in the RECORD that will give a perspective of where we are concerning the issue of human rights in Vietnam and the MIA/POW issue.

The first item is an Associated Press article from last month concerning the sentencing of two American citizens in Ho Chi Minh City who did nothing more than try to organize a nonviolent conference in Vietnam. That was their crime, a nonviolent conference.

I know that Senator THOMAS has already expanded on this issue of Vietnam's human rights record in a floor statement he made earlier this month so I am not going to belabor it because I think he will speak to that.

The second item is a letter I sent to the Under Secretary of Defense in August requesting information on POW/MIA cases, as is required by law. There has been no response to that request despite the congressional testimony earlier this year that the requested information would be provided to Congress by this past July. It is a difficult task to provide this information, and I am fully aware of that, but it has not been provided. I think Congress should have this information. That is all I am asking. Let Congress get this information before any further trade decisions are made on Vietnam.

I think this is especially important because these trade agreements with Vietnam are going to be subsidized through some of these international monetary organizations by the American taxpayer. We are cutting moneys everywhere to reconcile our budget, get it balanced and have a 7-year plan to do it, and surely the American taxpayer should not be subsidizing this country if it has not provided the information as required by the laws passed by this Congress.

The third item is a breakdown of 2,197 cases of unaccounted Americans from the Vietnam war by country of loss and military service. And I ask unanimous consent, Madam President, that these referenced items be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. SMITH. Madam President, this is a very reasonable amendment. I know there is some opposition to it, but it makes clear to Vietnam, it sends a very strong message to Vietnam and to President Clinton about the seriousness of our resolve in Congress to obtain full cooperation on the POW issue as well as improvements in human rights cases. It sends that message. That is a reasonable message to send that we expect full cooperation and we expect improvement in human rights cases if we are going to provide taxpayer subsidies to help them, the Vietnamese, get loans. This is not an attempt to replay the decision that was made to establish full diplomatic relations. We lost that debate, and I understand that. I did not like it, but I understand it. But what we are trying to do now is make Vietnam comply with what is required.

When the President is ready to tell the American people that our concerns have been addressed, then I will withdraw any objections that I have to move forward on trade. But the President must tell us, and he has not done that. If the President is going to move forward on trade, forward on establishing the diplomatic relations and the mission and all of those things, is it too much to ask to simply have the President of the United States certify to Congress that we are receiving the fullest possible accounting?

I hope that my colleague, the Senator from Kentucky, might take a second look at opposition to this amendment because I do not think it is unreasonable. It is really very, very specific and very, very reasonable. We should not have to fund any trade decisions before receiving a certification from the President. It is that simple. That is what the law provides for.

Let us hope, Madam President, that the leaders of Vietnam will choose to respond in a significant way to the five major concessions that this President has already made to Vietnam. I have listed all five. And they have been made in the last 2 years, not over a period of 20 years, but a period of 2, very rapidly.

And I would just say that if those conditions would be met, if the Vietnamese could respond to those five points, the President steps forward and says that we have fully received now the full cooperation of the Vietnamese and we get that list on MIA's and we can get the cooperation on the human rights violations, both specifically—I think Senator THOMAS will discuss the two cases—then I think we can move on. But we should not be moving on before. A lot of people died in this war, and a lot of families are still waiting for answers. And they deserve to have the President of the United States step up to the microphone, face the American people, and say very simply, the Vietnamese are fully cooperating; they are providing all the information that they have and can provide unilaterally to the United States of America regarding their missing in action. When he says that, the day he says that, I will be the first Senator down on the floor to say, ''Fine. Let us move on.'' That is all I am asking. That is not an unreasonable request.

Madam President, I ask unanimous consent that Senator DOLE be listed as an original cosponsor.

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

Mr. SMITH. I yield the floor.

EXHIBIT 1

[From the Associated Press, Aug. 16, 1995]

STATE DEPARTMENT CALLS VIETNAMESE JAILING OF U.S. CITIZENS UNWELCOME

WASHINGTON.—The State Department says the jailing by Vietnam of two Vietnamese-Americans on subversion charges is unwelcome.

In a two-day trial ending Saturday, a court in Ho Chi Minh City sentenced Nguyen Tan Tri, 39, to seven years in prison and Tran Quang Liem, 45, to four years on charges of trying to overthrow Vietnam's government.

Both hold American as well as Vietnamese citizenship and have been held since November 1993. Seven Vietnamese also were sentenced.

David Johnson, a State Department spokesman, said Tuesday he did not know specific charges against the two Americans, although U.S. diplomats attended the trial.

''It's certainly unwelcome that American citizens engaged in the peaceful expression of political views are arrested and imprisoned,'' Johnson said.

[From Reuters, Aug. 16, 1995]

U.S. RIGHTS GROUP CONDEMN VIETNAM VERDICTS

(By John Rogers)

HANOI, VIETNAM.—The U.S government and human rights groups have attacked two Vietnamese court verdicts that showed communist authorities were maintaining a tough stance against dissidents.

The cases appeared likely to heighten strains over treatment of political offenders between Hanoi and Western countries with which it is doing increasing business, diplomats said in Hanoi Wednesday.

In Washington, the State Department criticized prison sentences passed by a Ho Chi Minh City court last week on two Americans of Vietnamese origin and seven other people for attempted subversion.

The nine were jailed for between four and 15 years for setting up an illegal opposition party in 1992 in Ho Chi Minh City, the official Vietnam News Agency (VNA) reported earlier.

The Communist Party is Vietnam's only legal party.

State Department spokesman David Johnson said Washington conveyed its displeasure to Hanoi over the case.

''We have repeatedly voiced our support for peaceful expression of political views and urged the Vietnamese authorities to recognize that right,'' he said.

The U.S.-based pressure group Human Rights Watch/Asia also attacked the verdict, as well as the jailing of a leading dissident Buddhist monk and five other Buddhists in an unrelated trial Tuesday.

The Ho Chi Minh City People's Court jailed the monk, Thich Quang Do, for five years over an attempt by dissident Buddhists to mount a relief effort separate from the government's for victims of severe floods in the Mekong Delta last year.

Do, deputy leader of the banned Unified Buddhist Church of Vietnam (UBCV), was tried under his lay name of Dang Phuc Tue because, the government said, the case did not involve religious activities.

He and his co-defendants, UBCV supporters, were convicted of undermining national solidarity and ''taking advantage of the right of freedom and democracy to damage the interests of the government and social organizations.''

Human rights Watch/Asia, in a statement sent to news bureaux in Hanoi, called for the release of those convicted.

''In both cases, we are unaware of any evidence that the defendants have committed any acts that could be characterized under international law as criminal.'' its counsel Dinah PoKempner said.

''Their offence appears to consist of having peacefully expressed controversial religious or political views.''

Western diplomats said the two cases showed Hanoi was not easing political controls despite improving relations and business ties with the West and non-communist Asia.

The United States finally established diplomatic relations with Hanoi this month, 20 years after the Vietnam War. Vietnam joined the Association of Southeast Asian Nations (ASEAN) in July, becoming its first communist-ruled member.

The Paris-based International Buddhist Information Bureau, which acts as the UBCV's overseas mouthpiece, condemned Do's conviction and called for a retrial.

U.S. SENATE,
Washington, DC, August 18, 1995.

Hon. WALTER B. SLOCOMBE,
Under Secretary of Defense,
Department of Defense, Washington, DC.

DEAR WALTER: I am writing to express my concern that the Congress has yet to receive the final results of the comprehensive review of Vietnam-era POW/MIA cases promised by Secretary of Defense Perry in his letter to the Senate Armed Service Committee dated February 17, 1995. As you know this review was initiated in response to Section 1034 of the Fiscal Year 1995 National Defense Authorization Act (Public Law 103–337), the intent of which was to require a listing of such cases by November 17, 1994.

In a followup letter to me dated April 7, 1995, you stated that the Department of Defense was giving this matter its utmost attention and that you were confident the review would be completed during the summer. You also reiterated that ''the Department will report the results of DPMO's review to Congress on its completion.'' Subsequently, in testimony before Congress on June 28, 1995, Deputy Assistant Secretary of Defense for POW/MIA Affairs James Wold stated that he expected that the review would be an ''all-encompassing look at every individual case which would provide a solid analytic assessment of the appropriate next steps for achieving the fullest possible accounting.'' I support Secretary Wold's conclusion on June 28th with respect to this review that ''our unaccounted for Americans deserve no less,'' and that he would ''work to ensure that we keep our promise to them.''

It is my understanding that the abovementioned review has now been completed by the Defense POW/MIA Office (DPMO), in conjunction with J2 of the Joint Task Force (Full Accounting). I further understand that the analytical product which resulted from this review has been presented to National Security Council and Department of Defense policy level officials for comment before it is forwarded to the Congress.

As you know, there are many of us in Congress who believe that the results of an honest and thorough analytical review of outstanding POW/MIA cases by DPMO would likely reinforce previous CIA and DOD assessments that Communist Vietnamese and Laotian officials have the ability to unilaterally account for several hundred missing American servicemen.

It is my hope that you will keep the commitment in your letter dated April 7, 1995 to ''report the results of DPMO's review to Congress on its completion.'' I certainly understand the obvious interest of DOD and NSC policy level officials in the results of this review, especially in view of Administration statements that Communist Vietnam's ''splendid and superb'' cooperation on the POW/MIA issue provided justification for the President's decision to expand diplomatic and economic relations with Hanoi. Nonetheless, I hope that any objective assessments by DPMO's intelligence analysts will not now be subjected at the policy level to ''different views about how things should be put in the report,'' as you described on April 7th. As you know, I previously raised similar concerns about policy level skewing of intelligence information in my March 7, 1995 letter to you regarding Secretary Perry's February 17th interim report.

Accordingly, I request that the analytical results of DPMO's comprehensive review of Vietnam-era cases of unaccounted for personnel be immediately forwarded to the Congress. Aside from myself, there are several members of Congress, working on behalf of constituents and POW/MIA families, who have been waiting nearly a year to scrutinize this information.

Sincerely,

BOB SMITH,
United States Senator.

SUBJECT: MONTHLY PW/MIA STATISTICAL REPORT

Background: The Department of Defense, Washington Headquarters Service, and the

Department of State report the current numbers of Americans who are unaccounted for in Southeast Asia:

FIGURE 1.—AMERICANS UNACCOUNTED FOR IN SOUTHEAST ASIA

Country of loss	PW/MIA	KIA/BNR	Total
North Vietnam	337	256	593
South Vietnam	430	592	1,022
Laos	317	181	498
Cambodia	36	41	77
China	6	2	8
Total	1,126	1,072	2,198

* Status as of Homecoming.

Figure 2 summarizes all unaccounted for Americans in Southeast Asia by components:

FIGURE 2.—U.S. LOSSES BY SERVICE COMPONENT

Component	PW/MIA	KIA/BNR	Total
USA	353	313	666
USN	115	317	432
USMC	101	174	275
USAF	523	260	783
USCG	0	1	1
Civilian	34	7	41
Total	1,126	1,072	2,198

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I had some lingering hope that the Congress, or at least the Senate, had finished debating Vietnam. The President made his decision to normalize relations with Vietnam—a wise decision in my judgment—and most Americans, including most veterans, concurred in that decision. Editorial opinion was almost uniformly positive.

There was, of course, some inflammatory language coming from some Members of the House of Representatives—but they were so few in number as to be insignificant. Suffice it to say, that the President was right to normalize relations with Vietnam, and the country has breathed a sigh of relief that our long war with Vietnam is over.

It is also apparent to all that there is little support in the Senate for reversing the President's decision to open an embassy in Hanoi. If there were such support I am sure we would be debating an amendment to prohibit funds for an embassy. Thus, Madam President, I was lulled into the comforting, but false notion that I would not be obligated to debate my colleagues again on the subject of Vietnam.

I should have known better.

Mr. dear friend—and he is my dear friend—from New Hampshire is a persistent opponent on this question. He has chosen to take another cut at running our Government's Vietnam policy out of his office. It is his right to make such an attempt. And while I respect his zeal and his patriotism, I hope he will under stand my disappointment in having to come to the floor to take issue with him again. I fear that it has become my fate to forever fight about Vietnam, and that is something I never anticipated when I left that country so many years ago.

Madam President, the President of the United States has set the policy for United States-Vietnam relations, as it is his duty to do. It is my friend from New Hampshire's right to oppose that policy. And make no mistake, his amendment is an attempt to overturn it.

Although the amendment does not reverse the President's decision to open an embassy, it does prevent or at least impede the development of normal relations between our two countries. I think that is a serious mistake; I think most Americans will see it as a mistake, and I hope the Senate will go on record in strong opposition to it.

On the question of using trade as leverage to ensure continued POW/MIA progress, let me point out an incontrovertible fact: Before the President lifted our trade embargo against Vietnam, opponents of that decision warned that without the coercion of an embargo, the Vietnamese would stop cooperating with our efforts to account for our remaining missing. As it turned out, quite the reverse happened. Vietnam's cooperation increased. Before the President decided to open an embassy in Hanoi, opponents of that decision warned that once we abandoned the incentive of diplomatic relations, the Vietnamese would stop cooperating with our accounting efforts. Again, quite the reverse happened. Cooperation has continued.

Eight sets of remains, believed to be Americans, have been recovered since the President announced his intention to normalize relations.

During his August visit, the Vietnamese gave Secretary Christopher a 3½ inch stack of wartime records, 116 documents in all.

Senator HARKIN, in his trip to Vietnam this summer, also received a great many pages of documents, records from the Vietnamese Interior Ministry.

Our 37th joint field operation with the Vietnamese is currently underway and yielding good results.

Now, the opponents of normal relations argue that if we do not freeze the development of normal relations by restricting United States businesses from trading with and investing in Vietnam, Hanoi will no longer cooperate with us. On this, as on every occasion in the past, they will be proven wrong. They will be proven wrong because the Vietnamese, like most Americans, believe it is in their interests—their best interests—to develop a strong, mutually beneficial relationship. Those interests override any lingering resentments from the war.

Vietnam's interests are numerous. The most obvious are Vietnam's desire to enter the modern world and enjoy the same economic growth and prosperity experienced by their Southeast Asian neighbors. They also are rightly concerned about regional stability and the determination that no single power dominate Southeast Asia.

It is for these reasons and others that Vietnam will continue to cooperate with our POW/MIA efforts. There is also the fact that there is nothing to be gained by not cooperating. The Vietnamese are a lot of things, but it has been my experience that they are seldom capricious. They act in their interest. Their interests are best served by good relations with the United States—whether or not we give them MFN or OPIC credits or whatever. They know that, and will act accordingly.

It is also in our interests to engage Vietnam. First, as I have already pointed out, because it best serves the cause of POW/MIA accounting. Second, because we too have an interest in regional stability, and an economically sound Vietnam playing a responsible role as a valued member of ASEAN serves that end very well.

I also believe that since it is not in our power to isolate Vietnam—they have rapidly developing relations with the rest of the world—our best hope for encouraging political reforms is to engage Vietnam and become more deeply involved in their economic well-being.

Madam President, I do not really want to debate this issue much longer. Few topics have been so extensively debated in American history as Vietnam. Frankly, I am extremely weary of the subject, so I will conclude with this reminder.

It is profoundly in our interest to construct from the peace a relationship with Vietnam that serves the interest of the Vietnamese and the American people far better than our old antagonism did. The war in Vietnam is over. It is over. I respectfully ask my colleagues to demonstrate that the Senate has grasped this reality and support the President in his attempt to make something better from our future relations with Vietnam than we were able to do in our sad distant past.

Madam President, I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Madam President, I rise in strong support of the amendment of the Senator from New Hampshire to H.R. 1868, regarding the extending of economic benefits to the Socialist Republic of Vietnam.

I shall be brief. My associate from Missouri wants to speak, and we want to vote before 7 o'clock.

As Senator SMITH pointed out, while the Clinton administration has been quick to normalize relations with the Government of Vietnam, it has not been as quick to meet its obligations to the Congress and the American people. For example, section 1034 of Public Law 103–337 requires the Secretary of Defense to provide the Congress with a complete list of missing or unaccounted United States military personnel about whom it is possible that Vietnamese and Laotian officials could produce information or remains.

The statute mandated that report to be submitted to us by November 17, 1994. When the DOD requested an extension of the deadline to February 17, 1995, we did not object. We did not object when the DOD supplied us with a

sadly incomplete interim report. But, Madam President, more than 7 months after that date, we still have not received the complete report required by the statute. This was not a request, not a casual invitation to provide information. It is a legal mandate.

Second, despite both administration and Vietnam protestations to the contrary, I do not believe the Government of Vietnam has done its fullest to account for the POW/MIA's, especially as regards records of United States servicemen who disappeared in, or were taken across the border into Laos.

Finally, in all this controversy surrounding the POW/MIA issue, we seem to have lost sight of the important fact that there is disregard for human rights in that country. I will not go into detail. I put them in the RECORD some time ago.

So I will just conclude by saying, until the President can certify to us that, in his judgment, the Vietnamese are living up to their expectation—that is not too much to ask—and their promises regarding the MIA's and POW's and its international right to commitment, I think it is irresponsible and bad judgment for us to provide funding for them.

I urge my colleagues to support the Senator's amendment. I yield the floor.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Madam President, I say to the Senator from Missouri, I will take just a couple minutes.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. SMITH. Madam President, I have a couple of brief responses.

I thank my colleague from Wyoming for his remarks. He has been very helpful on this issue. This amendment, I want to point out, does not reverse anything the President has already done. It does not reverse the diplomatic ties, it does not go back and replay the war, it does not mean that Senator SMITH is running Vietnam policy out of his office. What it does mean is that this debate continues because this is a one-sided equation. It continues because the President of the United States has made significant movements. Some of us oppose those movements, but we are not replaying that. He made those decisions, and he moved forward.

I respect the will of the majority. That decision has been made. I am not replaying that. But what I am trying to point out is that the Vietnamese have not responded in kind to those moves. I think we have an obligation to the families who still wait for answers to have them respond in time before the taxpayers of America, through subsidizing the International Monetary Fund and other international organizations, are going to be providing funds to the Vietnamese. I think they have a right to have the President of the United States, who implemented this policy, stand before the Congress and the American people and say: ''The Vietnamese are fully cooperating with the United States Government on the accounting of our men.''

I ask any of my colleagues who have spoken previously in opposition to my amendment, or who will speak in the future in opposition to my amendment, whether it be Senator BOND or anyone else, stand here on the floor of the Senate and make the statement in the affirmative that the Vietnamese are fully cooperating—fully cooperating—with the United States of America and the accounting of our men. I have not heard that.

If you think Vietnam has been fully cooperative, if you really think they have been, vote against my amendment; I want you to vote against my amendment. If you believe the Vietnamese are fully cooperating on this issue, then vote against my amendment. If you believe they are not, then you should vote for my amendment.

I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I join my colleagues from Arizona and Massachusetts in urging Senators to oppose this amendment. Earlier this year, President Clinton made the decision to restore diplomatic relations with Vietnam. That was a correct decision for him to make, one which I supported and I believe a majority of this body supported.

Frankly, when the President announced his recognition of Vietnam, he made an announcement at the time that the conditions had been complied with. I think it is time the United States restore relations with Vietnam. It is in the best interest of the United States and in the best interest of the families of those soldiers who continue to be missing in action.

I did not serve in Vietnam, as did my colleagues from Arizona, Massachusetts, and New Hampshire, but I have traveled, however, to Vietnam in the past year. I participated in extensive meetings with our military officials there who are responsible for discovering the fate of those missing in action.

I came away from every single one of those conversations with the same clear message, and that is, the Vietnamese are working very hard to meet our request for assistance. I got the same message in June when I met with the Presidential delegation who just returned from meetings in Vietnam. Vietnam has allowed us to conduct field exercises, allowed us to dig up military cemeteries.

Can you imagine our permitting a nation with which we engaged in armed conflict to come in and dig up Arlington? You talk about cooperation. I had the opportunity to talk with Col. Mel Richmond who is in charge of the Joint Task Force for Full Accounting, and he has outlined the great lengths of cooperation to which the Vietnamese have gone. I can tell you from the men who are directly involved in the effort that they believe that increased contacts and relations between the United States and Vietnam will increase our ability to find out any possible leads to those who remain, and they are very few.

Those who were not lost at sea, those who have had any possible sightings, there are fewer than 100 open cases, and there have been extensive efforts on behalf of each of those cases to track them down.

The amendment that is offered by our friend from New Hampshire would set additional conditions before the administration can go forward with additional trade ties, including Eximbank support, OPIC, TDA and MFN status.

There would not, as suggested by my colleagues, be any savings to the American taxpayer. These activities, basically, are to provide assistance to American businesses which are now competing for business in Vietnam. These programs carry with them their own conditions on when they can be utilized, and there is, in my judgment, no reason to delay at this point the opportunities to obtain, through better contact, information from Vietnam by allowing American businesses who are there competing for the opportunities in a growing market to go further.

I believe that the demonstrated activities, the demonstrated efforts by the Vietnamese have justified the President's announcement on the signing of the relationship agreement with Vietnam that the conditions are being complied with.

That does not make sense. It would only have the impact of keeping United States firms from being competitive with their European, Japanese, and Taiwanese competitors. It will do nothing to help the MIA search.

All of these programs carry requirements that must be met in terms of human rights certifications, labor certifications, and so forth. It does not make sense to add additional requirements.

Certainly we need to keep pressure on the Vietnamese Government to help us with the MIA search, and certainly we need to keep pressure on them to improve human rights.

However, it only makes sense to increase bilateral ties, increase trade ties, and have as many Americans over there. That increased contact is the best thing we can do to influence their conduct.

Ms. SNOWE. Mr. President, as a cosponsor, I rise in support of the amendment offered by the Senator from New Hampshire, Senator SMITH.

Mr. President, I would like to recognize the distinguished Senator from New Hampshire for his tireless efforts on behalf of the families of American POW's and MIA's. As a Vietnam veteran, he has always kept first in his

concern the fate of those American men and women who never returned from this most divisive of all of our wars.

This amendment puts aside the controversies over President Clinton's decision to grant full diplomatic relations to the Socialist Republic of Vietnam. Rather, this amendment simply says that Vietnam will not receive most favored nation trading status, or other trade benefits until the President reports to Congress that Vietnamese officials are fully meeting United States expectations on the POW/MIA issue.

I would like to emphasize that the criteria the President would have to certify are drawn directly from the President's own past statements on the strict standards he would use for judging whether the Vietnamese have indeed been entirely cooperative in achieving the fullest possible accounting of America's MIA's.

We all have the same goal, which is to achieve the fullest possible accounting for those Americans who did not return from Vietnam. But the families and loved ones of those Americans are not able to so easily put this issue behind them. They have a need to know; they have a right to know.

And that leads to what I believe this issue is all about: that is, what does this nation stand for? My personal belief is that a basic principle is at stake here.

What America is all about requires us to keep our faith with the families of those who remain missing and who are unaccounted for from the Vietnam war. This argues for using the leverage we have to ensure the greatest possible accounting for these missing Americans.

To this end, the United States has already come half way. Indeed, we have come more than half way.

In just the past 19 months, the United States lifted its economic and trade embargo, permitting full trade relations and investment by U.S. companies in the country. In addition, we reached an accord with Vietnam settling property claims between our two governments; we have established in Hanoi a United States liaison office staffed by American diplomats and functioning as a lower-level diplomatic presence; we have signed a diplomatic agreement protecting United States citizens who may reside in or travel to Vietnam; and we have established full diplomatic relations with Vietnam.

For years the Government of Vietnam refused to provide even the slightest assistance in resolving these MIA cases. Vietnam only began—grudgingly—to assist in accounting for these missing Americans when the country lost its patron with the collapse of the Soviet Union.

In the words of the American Legion, ''Vietnam's cooperation on the resolution of the POW/MIA issue has not fulfilled reasonable expectations.'' The National League of Families of American Prisoners and Missing in Southeast Asia has also criticized those, ''commending Vietnam for full POW/MIA cooperation despite evidence to the contrary.''

In fact, the league has noted that actions the United States already took leading up to the President's normalization decision have, ''signaled Vietnam that unilateral actions on their part are not expected nor required to achieve their political and economic objectives.''

And since the President ended the United States embargo on Vietnam, only eight Americans who were captured or became missing in action in North Vietnam have been accounted for.

I believe that we should have been more insistent in using the considerable leverage we have with Vietnam—leverage that we are in danger of throwing away if this amendment is not approved. Vietnam is anxious to establish close economic and political ties to the United States as a counterweight to China, its traditional rival to the north.

But to me, and I believe to most Americans, full cooperation in accounting for our remaining MIA's should have been an absolute threshold that Vietnam was required to meet before we took the final step of rewarding the Vietnamese Government with a full United States trade relations.

The only step remaining is the granting of full trading relations to Vietnam. I believe that the status of our relations with Vietnam are still too new and too uncertain for such a precipitous step. Granting this final concession now is simply too great a risk, given continuing grave uncertainties about the true level of Vietnamese knowledge about the fate of the many of the Americans who never returned.

And the POW/MIA issue does remain in question. The names of 58,196 Americans have been etched into the reflective walls of the Vietnam Veteran's Memorial. Listed with them, each marked with a simple cross, are the names of 2,205 Americans still unaccounted for in Vietnam. This means that for every 25 young Americans who gave their life in Vietnam, an additional American simply disappeared and was never heard from again.

A much more reasonable approach, I believe, is the approach proposed by the Senator from New Hampshire, Senator SMITH. The Smith amendment would ensure that our duty and obligation as a nation is fully met to our MIA's and their families before we in the U.S. Senate endorse full trade relations between our two countries.

I urge adoption of the Smith amendment, and I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Massachusetts.

Mr. KERRY. The hour of 7 o'clock will momentarily arrive. I know the Senate is under a UC to go into certain business.

I ask unanimous consent that I be permitted to proceed for no longer than 3 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KERRY. I thank the Chair. I will be very, very brief. There are times when many of us have been prompted to come to the Senate floor in order to solicit action from the Congress on the basis that the President was not doing something or we were engaged in a bad policy. But, as my colleagues on the other side of the aisle know—and I know the Senator from Arizona has followed this as closely as anybody in the Senate—the President has been pursuing a very deliberate, very careful, very cautious strategy with respect to Vietnam and, step by step, has guaranteed that they are cooperating fully in the process of accountability.

We have heard these arguments before. Each year, when we have heard these arguments, we have seen irrefutable proof that Vietnam is cooperating to the best of our military commander's judgment, to the best of the judgment of the people in the field.

I would think most of my colleagues would feel that this is really an excessive intrusion on the part of the Congress, an unwarranted intrusion into the legitimate powers of the President, and at a time when there is nothing that suggests that anything but a careful and deliberative accounting process is going on.

Finally, there is language in this particular amendment which is so unspecific, nonspecific, as to open a Pandora's box of capacity for really an imprecision that allows nobody to know exactly what documents we are asking for, and precisely who has them. I say that based on my knowledge of this issue, at this point, there is no knowledge that they even exist. So we, once again, begin chasing one of the mythical dragons. I think it is unnecessary. I associate myself with the comments of my colleagues on the other side of the aisle.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

Mr. MCCONNELL. Mr. President, it is my understanding that the yeas and nays have been ordered on the Smith amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. MCCONNELL. I suggest that we vote.

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

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

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Oregon [Mr. HATFIELD] is absent due to illness.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote ''nay.''

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN], and

the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

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

The result was announced—yeas 39, nays 58, as follows:

[Rollcall Vote No. 453 Leg.]

YEAS—39

Abraham	Faircloth	Mack
Brown	Feingold	Moseley-Braun
Byrd	Gramm	Nickles
Campbell	Grams	Santorum
Coats	Grassley	Shelby
Cohen	Gregg	Smith
Conrad	Hatch	Snowe
Coverdell	Helms	Stevens
Craig	Hutchison	Thomas
D'Amato	Inhofe	Thompson
DeWine	Kempthorne	Thurmond
Dole	Kyl	Warner
Dorgan	Lott	Wellstone

NAYS—58

Akaka	Frist	McCain
Ashcroft	Glenn	McConnell
Baucus	Gorton	Mikulski
Bennett	Graham	Moynihan
Bingaman	Harkin	Murkowski
Bond	Heflin	Murray
Boxer	Hollings	Nunn
Bradley	Inouye	Packwood
Breaux	Jeffords	Pell
Bryan	Johnston	Pressler
Bumpers	Kassebaum	Pryor
Burns	Kennedy	Reid
Chafee	Kerrey	Robb
Cochran	Kerry	Roth
Daschle	Kohl	Sarbanes
Dodd	Lautenberg	Simon
Domenici	Leahy	Simpson
Exon	Levin	Specter
Feinstein	Lieberman	
Ford	Lugar	

NOT VOTING—3

Biden	Hatfield	Rockefeller

So the amendment (No. 2723) was rejected.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2708

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I believe the next item on the agenda is the debate scheduled on the Brown amendment. I would like at this time to yield 5 minutes to the distinguished Senator from Washington.

The PRESIDING OFFICER. The Chair advises the Senate that on the Brown amendment No. 2708, there will be 5 hours of debate equally divided, and the Senator from Colorado yields to the Senator from Washington, [Mr. GORTON].

The Senator from Washington.

Mr. GORTON. I thank the Chair.

I appear here this evening to add my voice to my vote in supporting the amendment of the Senator from Colorado. Much, perhaps all, that needs to be said on this issue has already been said, but I believe it important that there be more voices than the handful that have spoken out so far.

The Senator from Colorado has pointed out that in spite of the policies of the United States, Pakistan has continued to be a friend and an ally of the United States, has helped the United States when we were involved in assisting rebels in Afghanistan, has helped the United States in connection with the return of fugitives fleeing justice here in this country, has moved in spite of great difficulties more and more toward a democratic system and toward a system based on free market economies.

As the Senator from Colorado has pointed out, in a very difficult part of the world, this nation has helped in the pursuit of peace and security and stability.

I should like to say that in the most profound sense, as we deal with this issue, that friendship and that assistance is almost irrelevant. This debate in this body at least is not so much about Pakistan and India as it is about the United States, its administration, and this body.

Mr. President, a great nation honors its commitments. This Nation has repudiated its commitments and should reverse its course of action and embrace that part of honor once again. This Nation permitted the manufacture and sale to Pakistan of certain military aircraft. They have been bought and paid for, and yet for years we have not only denied the right of the purchaser to take possession of those aircraft, we have added insult to injury by not showing our willingness, having set this policy, to pay back the purchase price and in fact are demanding from Pakistan payment for storage charges for the aircraft.

That is not the action of an honorable country. That is not the action of a nation which keeps its commitments. I strongly suspect that the Senator from Colorado would prefer simply that we keep our original agreement. He has not gone so far. He has simply suggested that those items of military equipment that are owned by Pakistan that are here for repair, which have also effectively been confiscated by the actions of our Government, be returned to Pakistan and that in the most modest possible way of dealing with the aircraft, they be sold to third parties and the proceeds of those sales be returned to the nation which has paid for them.

I wish we were voting on a more decisive action, Mr. President. I have that wish not so much because of a strong opinion on the rivalry between India and Pakistan as I do to remove this blot from our own record. As I said earlier, an honorable nation keeps its commitments. We have not kept our commitments. We should do so to the extent required by this amendment.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. PRESSLER. Mr. President, will the Senator yield me time?

Mr. GLENN. I yield the Senator 20 minutes.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 20 minutes.

Mr. PRESSLER. Mr. President, let me give a little history of how this amendment came about, if I may be allowed to do so.

In the mid 1980's, the Carter administration had shut off aid to Pakistan because of their alleged nuclear activities. In about 1985, there was an amendment in the Foreign Relations Committee known as the Cranston amendment which would have legally shut off aid to Pakistan. The Reagan administration at that time asked me to offer an amendment to the Cranston amendment which would allow Pakistan to get money. The amendment said that Pakistan would receive United States aid money and buy military aircraft, and so forth, so long as the President could certify that they did not have a nuclear weapon.

Now, under the terms of that agreement, Vice President Bush at that time and others were promised by the Pakistanis that they were not developing a nuclear weapon and that the so-called Pressler amendment would never come into effect. Indeed, until 1990, Pakistan received aid and received military equipment and there was military sales.

Then, in 1990, then President Bush, who had been Vice President at the original time we worked this out, was President and his administration could no longer certify that Pakistan did not have a nuclear weapon. So, in other words, President Bush concluded that Pakistan had not told the truth and it was buying arms under false premises.

That is the twist to this debate which seems to have been forgotten. Originally, Pakistan supported the Pressler amendment. Originally, the Pressler amendment was a means to help Pakistan get money and to buy arms provided that she was not developing a nuclear weapon.

That seems to have been forgotten in this whole debate, because we talk about countries' honor and countries' decency, and so forth. There are many twists to this story regarding the Pressler amendment. Since 1990, each year our CIA with our technical means of assessment has concluded that Pakistan does, indeed, have a nuclear weapon, although Pakistan has continued to deny that, although on one or two occasions their top generals have said that that is true.

Another complex thing in this whole matter is that there seems to be two distinct governments in Pakistan. And let me say, first of all, I like Pakistan. I have been to Pakistan several times.

I want our country to be friends with Pakistan. I have been up to the Khyber Pass. I know that Pakistan has been our ally and Pakistan has done a great deal for and with the United States, and we have done a great deal for Pakistan. I want to be friends with India and Pakistan in the long run. I think China is driving the nuclear weapons race over there, basically. And China

really is the country we should be worried about. So I am not here to beat up on Pakistan or to criticize it.

But I would also say that I have had some good talks with the Prime Minister of Pakistan about trying to get this resolved. The problem is that it is the Pakistani military who really makes the decisions, I think, on the issue of nuclear weapons and on whether or not they possess them. So that is how we have gotten to where we are today.

Now, it is proposed that we are somehow guilty or we have done something wrong as a nation. But Pakistan purchased these planes while knowing very well that they were developing nuclear weapons, knowing very well that we had a law against it, knowing very well that they would not be able to be delivered if that were discovered. And in 1990 that was discovered. So there has been kind of a twist put on this whole thing that is a reverse twist so to speak.

Now, Mr. President, the three key powers in the region—Pakistan, India, and China—have nuclear weapons programs. A fourth, the renegade terrorist state of Iran, will stop at nothing to acquire nuclear capability. All are striving to obtain modern delivery systems, such as ballistic missiles and aircraft. There also have been credible reports that Pakistan has received from Communist China M–11 ballistic missile technology. Without question, a nuclear war in South Asia would be cataclysmic. The names of the perpetrators, and their accessories, would be cursed for a millennium.

To its credit, Mr. President, the U.S. Senate consistently has taken initiatives to promote peace and stability in South Asia—the core of that leadership has been the Senate Foreign Relations Committee. In 1985, the committee—under the able leadership of the distinguished senior Senator from Indiana [Mr. LUGAR]—voted to adopt my amendment that allowed United States aid to Pakistan to continue as long as the President could certify that Pakistan was not in possession of a nuclear explosive device—the so-called Pressler amendment.

Why did the committee take this action? At that time, Pakistan was the third largest recipient of United States foreign assistance, receiving as much as $600 million annually. Pakistan and its people were instrumental in channeling American resources to Afghan rebels as they sought to repel Soviet invaders.

U.S. officials rightly were concerned, however, that government in Islamabad at that time was intent on developing a nuclear weapon—a course of action clearly not in our national interest.

I have recounted the events, but the purpose of the Pressler amendment was designed to send one message: Nuclear proliferation has a price. And if we are going to do what is in the Brown amendment, we are accepting nuclear proliferation.

Now, let me say, Mr. President, I think it is very strange that the Clinton administration, with all the things President Clinton and AL GORE have said about nonnuclear proliferation, that they would allow support for this amendment or they would give support for this amendment, because we are excusing nuclear proliferation, we are excusing a country that promised us, that made a deal with us, that they would not develop a bomb. We are giving them a carte blanche to go ahead.

In fact, a number of Senators believed enough evidence existed to verify Pakistan's drive for the bomb, and strong enforcement of United States laws that would result in an immediate cutoff of United States aid. The Pressler amendment was designed to avoid an immediate United States aid cutoff, but reinforce our Nation's policy that it would not condone—through United States taxpayer dollars—Pakistan's drive for the bomb. In addition, the Pressler amendment was designed to give Pakistan a financial incentive to ensure that its nuclear program served a peaceful purpose. In short, the Pressler amendment was designed to send one message: Nuclear proliferation has a price.

Mr. President, those were the key reasons why the U.S. Congress adopted the Pressler amendment 10 years ago. It was the right thing to do. President Ronald Reagan agreed. So did the Government of Pakistan at that time. Let me repeat that: the Government of Pakistan supported the Pressler amendment. It gave our Government its assurance that it was not pursuing a nuclear bomb program. By supporting the Pressler amendment. Pakistan agreed that if it acquired a nuclear explosive device, it deserved the penalty of a United States aid cutoff.

In 1990, President Bush could no longer certify, under the terms of the Pressler amendment, that Pakistan did not possess a nuclear explosive device. As a result, all United States economic and military aid to Pakistan was terminated. Further, a $1.4 billion commercial order of military equipment to Pakistan was put on hold.

Now, Mr. President, it is clear that Pakistan possesses nuclear weapons. It is also clear that Pakistan was pursuing a nuclear bomb program between 1985 and 1990, despite repeated public assurances that it was not. During that time, Pakistan received approximately $3.5 billion in United States foreign aid. Again, the Government received these funds from the American taxpayer in return for its assurance that it would not go nuclear. Yet, the reality was that the existing government in Pakistan in fact produced nuclear explosive and used the American people's money to do it. That was an extraordinary act of deception.

That is the history behind the Pressler amendment. And to borrow the words of Abraham Lincoln, we cannot escape history. We cannot escape the fact that the United States subsidized Pakistan's nuclear weapons program for 5 years after the Pressler amendment became law. We cannot escape the fact that Pakistan repeatedly assured its ally, the United States, it was not pursuing a nuclear weapons program. Prime Minister Benazir Bhutto stood in this building—in the House Chamber—on June 7, 1989, and stated: ''Speaking for Pakistan, I can declare that we do not possess nor do we intend to make a nuclear device. That is our policy.'' The opposite was true in each case.

Mr. President, we cannot escape history.

We also were given assurances by Pakistan's government regarding the level of enrichment of its uranium, foreign nuclear procurement, cooperation with communist China, and other related nonproliferation issues. In each case, the Government of Pakistan broke its word.

Thus, despite United States law, despite clear United States policy, and despite repeated assurances from its leaders, Pakistan built a nuclear weapons program and used American taxpayer dollars to do it.

Those are the facts. We cannot escape history.

Yet, we are here today to consider an amendment that ignores history. Even worse, if we adopt this amendment, we would be condemning ourselves to repeat history. Nothing in the Brown amendment would ensure that American taxpayer assistance would not further directly or indirectly Pakistan's bomb program. Do any of my colleagues believe we should reverse this long-standing United States policy? Should we risk once again subsidizing Pakistan's nuclear bomb program with the American people's tax dollars? Certainly not. That is the fundamental reason why this amendment should be defeated, because that is exactly what it would do.

So, Mr. President, what I am saying to you, in the past, American tax dollars directly or indirectly have been used to develop a nuclear bomb in Pakistan. The passage of this amendment will allow American taxpayers' dollars to be used in that regard again.

I urge my colleagues to consider the impact of unconditionally reversing a fundamental element of U.S. nuclear nonproliferation policy. I ask my colleagues to consider what signal this amendment would send to other nations who play by international nonproliferation rules. Frankly, it sends the worst possible message: nuclear proliferation pays.

Mr. President, some years ago I served as chairman of the Arms Control Subcommittee of the Foreign Relations Committee. We held numerous hearings, and we urged other nations to engage in nonproliferation policies. We have elaborate schemes and treaties. This amendment would leave a big hole and set a terrible precedent for

our nuclear nonproliferation efforts throughout the world.

Perhaps no issue is more critical to our national security—and the security of all people—than nuclear nonproliferation. I agree strongly with the Senator from Colorado that we must improve our relations with Pakistan. And I would like for us to be friends with Pakistan. I consider myself a friend of Pakistan. Very few would disagree. The question is: How? My concern here is that our nuclear nonproliferation policy will made a sacrificial lamb on the alter of better relations with Pakistan.

The Pressler amendment has achieved a number of successes in the area of nuclear nonproliferation. First, through never verified, Pakistan claims it has ceased developing weapons grade enriched uranium. Second, the threat of Pressler sanctions has deterred a number of states that pursued active nuclear weapons research programs in the 1980's, including Argentina, Brazil, South Korea, Taiwan, and South Africa.

Second, despite what's being said, nuclear nonproliferation does not discriminate against Pakistan.

Pakistan is not the only country that is identified by name for nonproliferation sanctions. For years a number of other countries have been designated for special controls and sanctions. China has been singled out for violations of ballistic missile sanctions. Yet, ironically, Pakistan is the only country to receive waivers of United States nonproliferation laws in order to receive United States aid. One eight occasions, Congress authorized special waivers of United States nonproliferation laws just for Pakistan. The Pressler amendment itself was effectively a waiver to prevent tougher enforcement of U.S. law. Yes, Congress has engaged in special discrimination, but it was discrimination in favor of Pakistan, and against all other countries that play by international nonproliferation rules.

In addition, Mr. President let me point out that our relationship with India is impacted by United States nonproliferation policy. Because of India's unsafeguarded nuclear program, there is no United States/Indian agreement for nuclear cooperation. United States military cooperation with India is merely consultative. The United States will not export certain forms of missile equipment and technology to India and any other goods that are related to weapons of mass destruction. It is true that United States sanctions have not been invoked against India, but that is because India has not violated its commitments under United States law. Mr. President, the bottom line is this: in 1985, the Government of Pakistan agreed with the United States government that future United States aid would be tied to its development of a nuclear explosive device. That was Pakistan's contract with America. Pakistan understood and accepted the potential price if it development the bomb. I believe my friend and colleague from Ohio, Senator GLENN, said it best in 1989 when he said: ''There simply must be a cost to noncompliance—when a solemn nuclear pledge is violated, the solution does not lie in voiding the pledge.''

The Brown amendment proposes that very solution. We are being asked to void a portion of this contract by allowing nonmilitary aid to resume unconditionally.

Second, we are being asked to set aside Pakistan's contract with America so that the administration can deliver without conditions nearly $400 million of United States military equipment previously purchased by Pakistan. This package—part of a larger $1.4 billion order that included 28 F–16's—includes P–3C Orion antisubmarine aircraft, Harpoon and Sidewinder missiles, and engines and parts for Pakistan's existing fleet of Cobras and F–16 aircraft, which are capable of carrying nuclear weapons.

Though it supported its 1985 contract with America, the Government of Pakistan now argues that we should either return the military equipment or pay back Pakistan. In short, we are being asked to honor our military contract with Pakistan. The reason why the equipment and the funds remain out of Pakistan's hands is because Pakistan was found in 1990 to have violated its 1985 contract with America. Pakistan knew that if the Pressler contract was violated, its military contract would be put on hold. I recognize that is a tough deal. Again, nuclear proliferation has a price.

However, I am willing to consider options to compensate Pakistan. In fact, I would not oppose using proceeds from a third party sale of any of the equipment to reimburse Pakistan. That is a fair approach.

To his credit, President Clinton took my suggestion to seek a third party sale of the 28 F–16 aircraft sought by Pakistan. I commend the President. It was a wise move for one simple reason: F–16's are capable of carrying a nuclear payload. It would be contrary to the spirit and letter of our Nation's nuclear nonproliferation policy for the United States to waive a nonproliferation law so that Pakistan could take possession of nuclear delivery vehicles.

That is one of the main reasons why I called for a third party sale of the F–16's last May. However, I also stated I would oppose the return of any military equipment to Pakistan that would serve to undermine our nuclear nonproliferation goals, and add to the current instability in the region. That is why I am opposed to the Brown amendment.

The military transfer called for in the Brown amendment is ill-advised for three key reasons:

First, it would spark a renewed arms race between Pakistan and India. As my colleagues know, P–3's serve a dual function—they are naval reconnaissance aircraft with offensive capabilities. The military aid package also includes torpedoes and missiles that can be launched from a P–3. The P–3's would give Pakistan greater naval surveillance and striking capabilities than the aircraft Pakistan currently uses, the French-made Atlantique.

In addition, as the Department of Defense admitted, the F–16 components in the military package represent a reliability upgrade of Pakistan's F–16 aircraft, which are capable of carrying nuclear weapons. Given our longstanding policy on nuclear nonproliferation, I do not understand why the Clinton administration would seek to improve Pakistan's nuclear delivery capability with United States-made equipment.

I recognize that the Senator from Colorado has gone to great lengths and made every conceivable effort to reassure his colleagues that this military package would not upset the strategic balance between India and Pakistan.

However, the Indian Government assessed this package on all levels—political, strategic, and diplomatic. It concluded it would have no choice but to engage in additional military procurement if this transfer goes through. Why should the United States risk a potential arms race in an already unstable South Asia?

Second, the military transfer could inadvertently improve the terrorist state of Iran's military capability in the region. According to news reports, Iran and Pakistan have been cooperation on nuclear weapons research for a decade. Also, Iran and Pakistan have been engaged in cooperative military efforts dating back as far as last year, when the two countries conducted joint naval maneuvers in the Arabian Sea. I was disturbed to learn that a new round of naval maneuvers is scheduled later this fall.

Given this sustained Pakistan-Iran cooperation, the P–3's take on added significance. The P–3's surveillance capability would cover the entire Arabian Sea and the entire Persian Gulf. The data from this extended surveillance—data on the movements of our own Navy in the region—surely would be of critical use to Iran as it seeks to extend the reach of its naval power.

Is there anything in the Brown amendment that would require a written assurance from Pakistan that the P–3's or any other United States made military equipment would not be used to benefit a terrorist country? No.

If that is the case, why would we inadvertently enhance Iran's military alliance with Pakistan to the detriment of our own naval forces, and our friends and allies in the region? It makes no sense.

Finally, this transfer sends the worst possible message: nuclear proliferation pays.

In this case, a country that has gone into nuclear proliferation, after it agreed with us not to, is being rewarded, and we are supposed to have sanctions against countries that have

entered into agreements and broken them. So we are rewarding nuclear proliferation in this very move.

The Clinton administration assured Congress that the United States would oppose any commercial military upgrades for Pakistan. This has been U.S. policy since 1990. Yet, the proposed transfer would break its assurance to Congress in the worst way—by upgrading Pakistan's nuclear delivery vehicles—its F–16's. This upgrade is not just a reversal of U.S. arms policy, it undermines the very principles of the Nuclear Nonproliferation Treaty. It defies logic that the Clinton administration would work so valiantly to ratify this treaty and then turn around and support a clear violation of that treaty's core principles.

Despite these very disturbing activities, the administration is intent on going ahead with the military transfer—one that does not achieve one credible United States policy initiative, while undermining three vital policies—regional stability in South Asia, containment of Iran, and worldwide nuclear nonproliferation.

Do we have alternatives? Yes. Last week, I called on President Clinton to expand this initiative one step further by pursuing the third party sale option on all the military equipment sought by Pakistan. And as I said with respect to the F–16's, if the administration and the Congress wish to use the proceeds from the third party sales to reimburse Pakistan, I would not object.

Mr. President, let me take a moment to discuss the provisions in the amendment that would repeal nonmilitary sanctions against Pakistan. My colleagues will recall that similar language was offered by my friend from Colorado during consideration of the Department of Defense authorization bill. These provisions, though seemingly well-intended, go too far.

First, this amendment specifically rewrites the Pressler amendment so that the sanctions apply only to military aid. This amounts to an unconditional repeal of nonmilitary sanctions against Pakistan. This is an extraordinary and far-reaching change that could have serious implications.

In fact, this amendment could be used to aid Pakistan's nuclear bomb program. All of us know that scores of nonmilitary items can serve military purposes. Pakistan knows that all to well. Let me provide one specific example: A story in the McGraw-Hill newsletter NuclearFuel, detailed how Pakistan intended to violate a joint venture with Siemens AG by using telecommunications equipment as part of a project to enhance uranium into bomb grade material. I ask unanimous consent that this story be printed in the RECORD.

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

[From Nuclear Fuel, Aug. 28, 1995]

SIEMENS VENTURE BELIEVED USED IN PAKISTAN CENTRIFUGE QUEST

(By Mark Hibbs)

Departing from company procurement rules, Pakistan in 1991 used a national telecommunications joint venture with Siemens AG to try to obtain equipment in Germany that export control officials suspect had been sought instead for gas centrifuge rotor assemblies used to enrich uranium.

Intelligence sources said that the case is apparently similar to others in which it is believed Pakistan used legitimate businesses to disguise nuclear procurement. Sources said that in the U.S., Pakistan hid nuclear procurement by giving as the end use a bona fide Pakistan-U.S. program to supply equipment to maintain Pakistan's fleet of F–16 aircraft.

At issue in the German case are specialized ring magnets that Western officials say Pakistan has repeatedly sought from firms in Germany, Britain, and elsewhere in Europe since the mid-1980s for its clandestine uranium enrichment program.

The top magnetic suspension bearing of gas centrifuges built by Pakistan at its Kahuta enrichment plant features a pair of ring magnets. The upper magnet is suspended in a housing containing oil that is resistant to the highly corrosive uranium hexafluoride (UF6) gas fed through centrifuges. The other magnet is fitted to the top end cap of the rotor assembly.

According to Western officials, the Pakistan Embassy in Bonn, on behalf of Telephone Industries of Pakistan (PVT) Ltd., in early 1991 sought ring magnets from the firm Magnetfabrik Bonn (MFB) GmbH. But German experts suspected that the technical specifications given for the magnets did not match the non-nuclear end use cited by the Pakistan firm, and MFB blocked the transfer of the magnets after discussing the matter with German export control authorities. The export had initially been approved by Germany.

Telephone Industries of Pakistan is a joint venture between Siemens and Pakistan's national post, telephone, and telegraph (PTT) organization, and is located in Haripur, Pakistan. Siemens controls 30.02% of the venture. The government-owned Pakistan PTT owns 69.98%.

According to Reiner Schoenrueck, a Siemens spokesman, the Pakistan joint venture makes equipment, including telephones, for digital communications systems. Queried by NuclearFuel, he reported that Telephone Industries is authorized to independently purchase equipment locally in Pakistan. ''But any equipment which Telephone Industries wants in Germany must be obtained through Siemens itself,'' Schoenrueck said, not by the Pakistan government or by officials at the venture's office in Haripur.

NuclearFuel has learned that regardless of these procurement guidelines, Telephone Industries of Pakistan recently renewed independent efforts to order magnet parts in Germany. Current attempts are said to involve items having different specifications than magnets ordered on its behalf in 1991. Sources said the Pakistan firm has given non-nuclear engineering end uses, such as motors and power equipment, for items it now seeks.

In March 1991, Azmat Ullah, an official at the Pakistani Embassy in Bonn, first made contact with MFB on behalf of Telephone Industries of Pakistan to obtain so-called aluminum-nickel-cobalt (Alnico)–260 S-ring magnets. Officials said that, after Pakistan provided a non-critical end use for the magnets, an export permit was awarded by Germany.

However, sources said that in late 1991, after the permit was awarded but before the magnets were exported, the manufacturer became aware of the potential use of ring magnets containing cobalt in gas ultracentrifuges. The company then contacted the Federal Economics Office, now the Federal Export Control Office (BAFA) in Eschborn, responsible for export controls, and the export authorization to Pakistan was rescinded.

Section 0201/2.D of Germany's commodity control list, valid in 1991 when the export was approved, required express authorization for complete magnet assemblies only: ''Liquid-damped magnetic bearings, made of ring magnets, which are mounted in a housing containing a damping medium. The magnet is mounted on a rotor end cap pole piece or coupled to a second magnet.'' According to a spokesman at BAFA, the export to Pakistan of magnets not conforming precisely to these specifications would have been approved provided no ''knowledge'' was available that the equipment would be used in weapons of mass-destruction or that the peaceful end use was ''implausible.''

Western officials said the parts MFB was to make for Pakistan did not fall within 0201/2.D so the export was initially approved. Officials said, however, that the German firm later doubted the peaceful end use given by Pakistan after Pakistan specified that the magnets must feature unusually fine machining tolerances and a capability to withstand exceedingly high rotating speeds.

Pakistan had first indicated that Telephone Industries sought magnets sized at 52 millimeters in diameter and 8 mm in height, with a ring thickness of 36 mm. It later specified a precise diameter of 52.8 mm and a thickness of 36.8 mm and defined fine tolerance requirements in the range of a few hundredths of millimeters.

Azmat Ullah, the Pakistan government employee who sought the ring magnets for Telephone Industries of Pakistan, was listed in the official German register of foreign diplomats for 1991 and 1992 as an attache in the commercial section of the Pakistan Embassy. He left Germany in 1993. According to diplomatic sources, the Pakistani attache had been involved in previous attempts to obtain material in Germany for Pakistan's centrifuge program before he sought the ring magnets. Sources said that in 1985, for example, Ullah had been responsible at the embassy for ordering centrifuge-grade maraging steel produced by Arbed Saarstahl, a German specialty steel producer. The steel is believed to have been intended for making centrifuge rotor tubes for Kahuta.

In early 1992, after the planned magnet export to Pakistan was stopped, MFB alerted other German magnet-producing firms, including subsidiaries of Krupp AG and Thyssen AG, about the intended transaction. In addition to stopping the export from MFB to Pakistan by withdrawing the permit, BAFA also blocked transfer of the ring magnets to Pakistan from all other German firms.

NO CRITICAL MAGNET DEAL WITH IRAN

Contrary to previous non-official reports asserting that German firms contributed recently to an Iranian program to develop gas centrifuges, MFB, which was solicited without success by Pakistan to obtain ring magnets, never supplied any critical magnets or magnetic equipment to Iran, company officials said.

According to customs intelligence documents obtained by NuclearFuel, the Sharif University of Technology in Tehran has tried to obtain nuclear-related equipment from firms in Germany and elsewhere in Europe, including equipment meant to be used for a

centrifuge development program (NF, 28 March '93, 10). On the basis of this information, BAFA will not award export permits for any equipment destined for end use at Sharif University. But the Zollkriminalamt (ZKA), Germany's customs investigative agency, denies that any German firms have exported equipment to Iran's nuclear program over the last 10 years (NF, 10 April '94, 5).

Herbert Krosney, author of the book ''Deadly Business,'' claimed that Sharif University approached MFB for Alnico centrifuge magnets and that the German firm ''received a substantive order from Iran.''

MFB said this month that the statement is false. It asserted that the company never agreed to transact any Alnico centrifuge magnet business with Iran and that MFB was never contacted by Sharif University for any business. Since 1993, MFB has sold some ferritic magnets to Iran. They were not, BAFA ruled, useful for uranium enrichment.

In the wake of information it obtained alleging that MFB had been involved in violations of export rules, Western intelligence sources said, the Oberfinanzdirektlon in Cologne, a customs investigation arm of the Federal Ministry of Finance, searched the MFB premises in 1990, one year before Pakistan attempted to obtain ring magnets from the Bonn company.

According to a statement that company management provided to employees, however, no violations were found and the firm's conduct was judged ''exemplary.''

Mr. PRESSLER. Mr. President, this is just one example. The fact is Pakistan built its current bomb program in part from seemingly nonmilitary transactions. Further, in February 1993, then-CIA Director James Woolsey described for the Senate Committee on Governmental Affairs how untied and seemingly nonmilitary loans and grants could further Pakistan's nuclear program.

Does the Brown amendment require Pakistan to make written and verifiable assurances that seemingly nonmilitary aid will not aid directly or indirectly its bomb program? No.

Again, Mr. President, we cannot escape history. We once before inadvertently aided Pakistan's bomb program. Now, with this open-ended, unconditional repeal of a portion of the Pressler amendment, we are setting ourselves up to make the same mistake yet again. Why would we once again put American taxpayers in the position of aiding Pakistan's bomb program?

Further, let me correct for the record a serious misperception of the Pressler amendment. Some have argued that we need this amendment so that we can provide vital civic and humanitarian assistance to Pakistan. We already can provide that assistance. Current law permits United States aid to Pakistan through nongovernmental organizations in a wide range of areas, including agriculture and rural development, nutrition, human rights, endangered species, and illicit narcotics prevention. Pakistan also continues to receive annually hundreds of millions of dollars in development assistance via multilateral lending agencies to which the United States is a major contributor. The Brown amendment goes beyond even a limited approach, and again would do so without requiring a single nuclear concession from Pakistan.

Mr. President, I strongly respect and admire my friend from Colorado. He sincerely is interested in trying to find ways to improve our relations with Pakistan and improve the conditions for the entire Indian subcontinent. I commend him for proposing a U.S.-led multilateral summit designed to reduce the presence of nuclear weapons in South Asia. I would support such a summit. It represents a more constructive first-step toward what I hope is the elimination of the nuclear threat from South Asia.

But, in this case, we are not moving toward nonproliferation with this particular amendment. We cannot escape history, and I have outlines that history of the Pressler amendment, of which there is much misunderstanding.

Beyond that, my friend from Colorado and I disagree on how best to approach the vexing problems in South Asia. We also need to keep in mind the question of United States—India relations. For more than 40 years, our relations with the world's most populous democracy were difficult, dictated largely by cold war conventional wisdom. Since 1991, our relations have improved markedly. India's economy is undergoing a remarkable transformation, fueled by a nearly five-fold increase in foreign investments from 1990 to 1994. More than one-third of those investments were from American firms. It is my hope that Pakistan can enjoy similar progress in the near future. Economic growth for both countries is the key to long-term regional stability.

One of the lessons of our improved relationship with India is that our actions have a clear impact on Indian public opinion. That certainly is the case in Pakistan as well. Given this impact, I believe that we must pursue our policies in South Asia with great care and great caution. We must ensure that we do not unnecessarily return to the previous, unproductive levels of our relationship. We also must ensure that we do not unnecessarily fuel the already strong tensions that exist in the region.

In conclusion, Mr. President, I must repeat yet again, we cannot escape history—both the history behind us and before us. The history we make today not only will determine the history of tomorrow, but will determine how well we comprehended the hard lessons of history. The Brown amendment is a grim reminder to all of us that those who try to escape history are condemned to relive it. I cannot allow that to happen. We must not ask the American taxpayer to subsidize a bomb program we cannot condone. Nor do we need ask the American taxpayer to subsidize an arms race in South Asia, or the military ambitions of a terrorist state.

Last year, the President states that no single foreign policy issue was more important than nuclear nonproliferation. If that is the case, there is no justifiable reason why Pakistan once again must be exempt from Federal nonproliferation laws or the nonproliferation policies we impose on all other signatories of the Nuclear Nonproliferation Treaty.

Let us give Pakistan some concrete incentives to honor its word.

Let us not reward proliferation.

Since we cannot escape history, let us learn constructively from it.

I urge the defeat of the Brown amendment. I yield the floor.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

ACTION ON AMENDMENT NO. 2721 VITIATED

Mr. BROWN. Mr. President, I ask unanimous consent to vitiate the action on amendment No. 2721. It is my understanding this has been cleared on both sides.

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

AMENDMENT NO. 2708

Mr. BROWN. Mr. President, I yield myself 5 minutes.

The PRESIDENT OFFICER. The Senator from Colorado is recognized for 5 minutes.

Mr. Brown. Mr. President, the distinguished Senator from South Dakota has raised a number of important points. I will not try to deal with all of them right now, but I do think it is important to respond.

First, let me commend the Senator for his leadership in this area. While we disagree on the particular resolutions of these contract items that have been in dispute for a number of years, I think his efforts toward nonproliferation and his sincerity and hard work in the area are to be commended and reflect great credit on the American psyche in dealing with foreign policy.

Mr. President, there are a couple of things that I think are important to look at, though, that I hope Members will consider.

First of all, statements were made that the amendment is unconditioned and open-ended repeal. Mr. President, I think he was referring to parts of it. But I sincerely believe that is not a fair description of what is anticipated here.

First of all, let me emphasize what the amendment does not do. It does not, in any way, repeal the restriction on military aid or military sales to Pakistan. There are a couple of areas that are clarified, though, and let me be specific about that. The bars and restrictions on aid and sales stay in place. We do a couple of things here. One, we make it clear that parts that had been sent—military parts—to the United States for repair and had never been repaired were be shipped back to them. These are used parts that were not functioning. I suppose we can insist on keeping those used parts here, but it seemed like that should be sent back. I do not think that is an open-ended repeal. That is a disposition of parts that

have been around for a long time and they are sent back unrepaired.

Second, we deal with contracts that are 8 and 9 years old that have been paid for. We allow three-fourths of them—or almost three-fourths of them—to have their money back and not get delivery of the planes. Those are the things that all of the people in the area have looked at and say are the most inflammatory—that is, the F–16. We allow delivery of $368 million of military equipment. Those are on contracts that were executed before the 1990 action under the Pressler amendment.

Mr. President, what this issue is all about is simply and solely saying you are either going to get your money back, or you are going to get the parts back, or you are going to get the things you contracted for. It is simple fairness. We signed a contract to sell military equipment. We have not delivered on it. We have taken their money, and we have refused both to give them their money back and/or deliver on our contract.

All we are trying to do with this is make it clear that we ought to either give them their money back or give them what they contracted for. The compromise, I suppose, somebody could criticize. This was worked out by the President. I do not think the President or the administration claims it is perfect, nor do I.

Mr. President, I do know that the planes amount to almost three-fourths of the entire package. The planes are the things that almost every critic I know of says is the most inflammatory and significant part of the package, and the planes are not delivered. The other parts of the package—and we already quoted from experts that indicate that these are not significant in terms of the military balance of the area. We have already pointed out that India enjoys a two-to-one advantage.

Mr. President, there is another item that I think ought to be at least quoted at this point. The suggestion was that we are already in the process of delivering aid to Pakistan and that it is not necessary to have this amendment. The suggestion was that NGO's are authorized under aid to Pakistan. Indeed, we have NGO's allowed to conduct activity in Pakistan right now. It is on temporary authority, and that authority is on a 1-year waiver and that waiver is not renewed and it runs out. So as far as NGO's being able to operate in the country and deliver aid, which they have talked about, the point is that the facts are exactly the opposite of what was said on the floor. The NGO's are not going to be able to do that. We need this legislation to be able to involve ourselves with Pakistan, and this is to our benefit. I have yet to hear anyone say that cooperating with the Pakistanis in the suppression of the narcotics trade is not to our benefit. It clearly is in our benefit. Cooperating with the Pakistanis in this is in our benefit. So both of those points do not hit the mark.

Let me put a few things in the RECORD, and I will try and do it briefly. I want to quote the Assistant Secretary of State, who responded to the committee's questions.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. BROWN. I yield myself 5 additional minutes.

This is what our Assistant Secretary of State said when asked about the Pakistan question, and particularly why we have been involved in assistance to Pakistan. That was certainly raised by the Senator. I will have more to say about this later. But I want to quote the Assistant Secretary of State on that question of why we aided Pakistan:

> Pakistan undertook substantial risks as our partner in an effort to stand up to the Soviet aggression in Afghanistan during the 1980's. Intrusions into Pakistan airspace by Soviet war planes were common. On several occasions, Soviet military aircraft actually bombed Pakistani facilities along the border in retaliation for Pakistan's assistance to the mujaheddin. I might say it was assistance to us in helping to liberate Afghanistan.

She continues:

> Pakistan was also a target of Scud missiles. During the period, the Soviets also initiated numerous covert actions against the government of Pakistan, including actions aimed at destroying caches of munitions and arms in Pakistan.

Mr. President, this is what Pakistan put on the line. They risked their very existence, they risked military attacks from one of the strongest military powers in the world, the Soviet Union. They did it at our request.

She continues:

> During the Soviet occupation, 5 million Afghan refugees flooded into Pakistan. With the help of the international community, Pakistan provided food and shelter for the refugees. Many remain in Pakistan because of the unsafe conditions in Afghanistan.

To suggest that our aid had nothing to do with the 5 million refugees that came in, I believe, ignores the facts.

She continues:

> Finally, there were widespread fears that the Soviet Union did not intend to stop its expansion into the Afghan border with Pakistan. Many in Pakistan believe that an accommodation with the Soviets was called for and the government was under pressure to follow such a course.

Mr. President, imagine what would happen if the Government of Pakistan—which has been so maligned in the discussions on this issue in this Chamber—would have acceded to people in their country to make an accommodation with the Soviet Union. It is not just the Afghans that would not have an opportunity for freedom today, it is a great many more people in the world.

Mr. President, she concluded her response to that question by this statement:

> The primary purpose of U.S. military and economic assistance to Pakistan during this period was to help Pakistan manage these risks and burdens.

Mr. President, the suggestion that the reason Pakistan got military aid and assistance during this period was solely to stop the development of nuclear weapons I do not believe is accurate. It certainly does not square with this. I do think it is accurate, as Members pointed out, that that was an interest of the United States at the time, that it was hoped that would be a reaction of the Pakistanis. But to say that is the reason for their aid, I do not think that squares with the history and with the statement of the Assistant Secretary of State.

Mr. President, I yield the floor and retain the remainder of my time.

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

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Nebraska [Mr. EXON] is recognized.

Mr. EXON. I thank my friend from Ohio. Were it not for the fact that I have made a commitment to go to an affair elsewhere in the Capital City, I would stay and become involved in this debate. I am going to be very brief because others here will go into the matter in more detail.

I simply say, Mr. President, that while a case can be made that we need improved relations with Pakistan, from the information that I have, the proliferation arrangement and laws of the United States of America have been violated by arrangement, among others, of shipments of materiel from China to Pakistan. I simply say that while we can make excuses, and while we can say that we need the cooperation of Pakistan with regard to drugs and terrorism, which I agree with, the fact of the matter is that the laws of the United States have been violated.

An official of the Clinton administration called me and asked me to support the Brown amendment. I asked that individual was it not true that the laws had been violated, but the administration, working with the majority in the U.S. Senate, are simply going to wink at that and say, it is OK. It is OK. We are going to make this exception to make them happy.

It seems to me we are setting a precedent here. I do not believe my voice or the voice of others is going to change the vote, but as well intentioned as the amendment offered by the Senator from Colorado is, it is a mistake. It is a mistake entered into by the Clinton administration. They are wrong, in my opinion. I state that as clearly as I can.

What they are doing in this particular case, Mr. President, is simply to offer an alibi to try to soothe the Government of Pakistan.

If our laws with regard to proliferation are going to mean anything, then we have to recognize that both Pakistan and China should be subject to the laws that we enacted in the Congress of the United States and cannot be winked at.

I object to the fact that the Clinton administration is winking, going back

on the laws that we have in our land. I think that is a mistake, Mr. President.

I suspect that the Senate is going to make a mistake because I do not think 5 hours of debate after most people have gone home is going to change any minds.

I simply back the position of Senator GLENN and Senator LEVIN, both associates of mine from long standing on the Armed Services Committee. I hope that the Senate will come to its senses and do an about face on the earlier vote that we had in the Senate on this matter today.

I thank my friend from Ohio. I thank my friend from Michigan. I thank my friend, Senator FEINSTEIN, from California, who I understand is going to speak on this. I thank my friend, LARRY PRESSLER of South Dakota, who was author, I believe, of the law that we have in place.

I simply say, Mr. President, this is a mistake. I hope the U.S. Senate will reverse course, recognize it is a mistake, notwithstanding the pressure that has been brought to bear by the Clinton administration to not change the vote.

Mr. BROWN. Will my good friend from Nebraska yield for a question?

Mr. EXON. I am happy to yield to the Senator.

Mr. BROWN. I know the Senator has had a number of people talk to him, and I did not know if the Senator was aware of subsection 8 where we specifically state, ''Nothing contained herein shall affect sanctions for the transfers of missile equipment or technology required under section 11(B), the Export Administration Act of 1979, or section 73 of the Arms Control Act.''

In effect, Mr. President, what we do is specifically make it clear that the ballistic missile sanctions are in no way affected by this.

Mr. EXON. I say to my friend from Colorado that I think if we get into those kinds of details, we may cloud the central purpose. The central purpose of my opposition to this, notwithstanding the strong feeling about my friend and associate from the neighboring State of Colorado, is that we are violating both the intent and the principles of the law that we have in effect with regard to proliferation. Therefore, this Senator feels it is a mistake.

Mr. BROWN. Mr. President, I yield myself 3 minutes.

Mr. President, I know we want to hear from other speakers, but I did want to respond to a very important point that I think the distinguished senior Senator from Nebraska made.

He is concerned about the potential impact of missile sanctions. Mr. President, I am concerned about that as well.

We have added to this amendment exact and specific language that makes it very clear that nothing in this amendment in any way interferes with the sanctions, should they ever take place.

Members should rest assured that I am very conscious of that, and we have provided specific legislative language to make it quite clear that this in no way waives any sanctions with regard to violations of missile agreements for U.S. legislation.

That point has been raised. The fact is, at least in my view, it is invalid because we specifically made it clear that this in no way interferes with that. Indeed, if they have violated it, they will be sanctioned, and they should be sanctioned.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement from our Secretary of State.

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

ADDRESS BY SECRETARY OF STATE WARREN CHRISTOPHER, ON U.S. NATIONAL INTEREST IN THE ASIA-PACIFIC REGION

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

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

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

Mr. BROWN. The question was asked, will the Clinton administration order additional sanctions against China for supplying missile technology to Pakistan or Iran?

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

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

Mr. President, the point is this: The sanctions are for any violation of a missile treaty or missile technology restrictions in U.S. laws. In no way does this amendment interfere with those sanctions whatever. As a matter of fact, the review of the administration in this area has been clear and significant and, if sanctions are justified, they will take place.

I reserve the remainder of my time.

Mr. GLENN. I yield 15 minutes to the Senator from California.

Mrs. FEINSTEIN. Thank you very much, Mr. President. I thank the Senator from Ohio.

Mr. President, I rise in opposition to the amendment offered by the distinguished Senator from Colorado. As the ranking member of the Near Eastern and South Asian Affairs Subcommittee of the Foreign Relations Committee, I have worked closely with Senator BROWN, the chairman of this subcommittee, to try to work toward a more productive United States policy in South Asia.

I respect him and I respect what he is trying to do. However, while there are some issues on which we are in agreement, there are many on which we differ.

Let me first say that I echo the statement of the Senator from Nebraska by saying that I believe the administration is wrong.

I have heard two major reasons put forward as to why we should put this $368 million of military equipment in Pakistan's hands now. The first is, they paid for it, it is the honorable thing to do.

I agree. I will introduce an amendment which will carry with it Sense of Congress language which will say that the President is asked to try to sell the F–16's and return as much of the equity payment made by Pakistan back to Pakistan as possible. I believe that is the honorable thing to do.

The second thing I have heard is that we have to buttress the Bhutto regime. This is what gives me the deepest trouble.

If there is anybody that believes that one stabilizes or buttresses a regime which suffers from instability, in an area where there is a tinderbox of hostilities between two countries, and where both countries have the ability in a matter of days to have a nuclear capacity utilized—I think that is the wrong idea. I could not go to sleep at night knowing this equipment went, and that I voted for it, at absolutely the wrong time. I will explain in my remarks why I believe it is the wrong time.

Sanctions were invoked against Pakistan in 1990 because President Bush could not certify that Pakistan did not possess a nuclear explosive device.

Nothing has changed since that time. To this day, neither President Bush nor President Clinton has been able to make that certification. And today President Clinton cannot make that certification.

So, despite its remonstrances to the contrary, Pakistan to this day continues to develop its nuclear weapons program and has technology imported from abroad. And I believe even today Pakistan is engaged in developing an indigenous capability to produce nuclear weapons—not to have to get the technology from abroad, but to do it right at home.

As late as a couple of months ago, the Prime Minister of Pakistan denied that. That is a problem for me. That is a problem for me, to vote for something which I know will be used for one purpose and one purpose only, and that is probably to attack a neighbor, when I am told an untruth. As Senator GLENN, I believe, will outline, these same statements have been made year after year for the past decade.

So, under these circumstances, I believe it is wholly inappropriate for the United States to release to Pakistan

this military equipment. For us to take this step, Pakistan should make vast improvements in the area of nonproliferation.

I believe that Pakistan has acquired M–11 missiles in violation of the MTCR. Pakistan is subject to MTCR sanctions. We have alleged that China sold these missiles to Pakistan. China is not a signatory to the MTCR. Recently, as a product of negotiations with our State Department, China has agreed to abide by the MTCR. But Pakistan knows better. They are subject to MTCR rules, and every M–11 has inherent nuclear capability. Let there be no doubt about that. So, if one looks at both India and Pakistan, to add weapons at this time is a big mistake.

Let me tell you what the Indian Ambassador has told me. What he has told me is that he believes that the 28 Harpoon missiles which are part of this package, would give Pakistan a standoff capability to which India has no immediate response.

What does this mean? If we do this now, India is a few months before an election. It simply fuels the fires within the Indian political structure and perhaps prompts them to deploy a missile known as the Prithvi, which they have, in response to this. That is a scenario that I find inescapable in the transfer of these weapons.

We can cloak this in any terms we want. But if we know and honestly believe that this might be the result of the delivery of these weapons, why are we doing it? How can we sleep and do it? The P–3C aircraft can launch a Harpoon. The Harpoon also has a surface-to-surface capability. The Indians believe the P–3C can carry the Harpoon from Karachi to Sri Lanka, so it has the distance.

There are certain aspects of the Brown amendment that I support. I certainly share the view that it is desirable for there to be an improvement in the United States-Pakistani relationship. Pakistan is strategically located, has a significant population, it is a good friend in the Moslem world, it is an emerging democracy in a part of the world where we would like to see more democracy.

As has been said, Pakistan has cooperated with the United States in a variety of ways. It is the second largest contributor of troops to U.N. peacekeeping operations. I think that is a big deal. Pakistan has been prepared to put its troops on the line to keep peace in the world, and I, for one, appreciate that.

It has assisted in our antinarcotics efforts, and it has been helpful to U.S. antiterrorism efforts. And it is helpful right now in a very terrible and tragic situation in Kashmir, where one American is still being held hostage.

There is certainly room for more cooperation and the kinds of nonmilitary assistance which would be allowed to resume under this proposal—antiterrorism assistance, antinarcotics assistance, immigration control training, environmental and population assistance, civil aviation cooperation—would not only build even greater cooperation, but they would directly benefit the effort and interests of the United States in a range of areas.

Part of the amendment I will offer will do just that: Take the nonmilitary part of Senator BROWN's amendment and allow it to go ahead. It is my understanding that these types of assistance were never envisioned to be cut off at the time that the Pressler amendment was adopted, so I see no harm and much good that could come by restoring these types of assistance programs to Pakistan.

I was pleased to cosponsor an amendment with the Senator from Colorado in the Foreign Relations Committee to allow this assistance. However, I think we need to tread much more carefully when it comes to military assistance. Returning Pakistan's broken spare parts is, I think, a reasonable gesture of good will—no problem with that. Allowing Pakistan to resume its participation in the IMET military training course will help rebuild the ties between the United States and the Pakistani military, which is important for strategic cooperation. But allowing the transfer of the package of equipment allowed by this amendment is another story.

The Pressler amendment sanctions took effect because our Government in effect knew that Pakistan was not abiding by earlier agreements made with our Government, and commitments made to United States Senators on this floor at that time, in the 1980's. They asked for aid contingent on them not pursuing nuclear weapons, and then they turned around and did just what they said they would not do.

Pakistan needs to make progress reversing that problem, and I believe we would send a dubious message by renewing our supply line to the Pakistani military. As I mentioned, the package transferred under this proposal would include P–3C surveillance aircraft, capable of providing submarine deterrence, which is a major concern to India; the Harpoon missiles; the TOW missile launchers; the spare parts for F–16's; and other sophisticated equipment.

It is not a significant enough package to substantially alter the military balance in South Asia, but it is a change in the military balance of South Asia. Do we want to change the military balance of South Asia shortly before a hotly contested election in India, when we know major candidates running in that race will be forced to respond? They will be forced to respond, and one of the things that has been a goal of American foreign policy is to prevent the deployment of the Prithvi missile. Instead, we are providing the excuse for the deployment of the Prithvi missile, and therefore further escalating and heightening tensions between the two countries.

And there is major tension. There is no subject as sensitive, as difficult, on which the sides are more implacable than the Kashmir problem. You have seen the worst results of that tension in terms of the taking of the hostages, the cutting off of the head of one of them, and the rolling of the head down the street. If that does not demonstrate what feelings are, I do not know what will.

So, I know the Clinton administration does not want to prop up unstable regimes, does not want to put equipment in the middle of a tinderbox, but that is exactly what this does, and there is no way to say it does not. It does.

Anyone who has had the security briefing I think better understands the problem.

So I cannot support a resumption of these arms transfers. The greatest threat of nuclear war on the planet today, I believe, rests in South Asia and rests between India and Pakistan. India has contributed to this tension just as much as Pakistan has. But it is there. It is real. It is palpable and it is fueled by a dramatic ongoing debate which one country views as a major assault on its territorial sovereignty. What else does one need as a precipitant to a conflagration?

So I urge my colleagues to look carefully at this resolution, to look carefully at the list of equipment, at the rockets, at the missiles, at the parts that are being sent in this $368 million transfer. I hope that the Brown amendment might be defeated and that we would have an opportunity to put forward an amendment which would carry forth the economic and the humanitarian, the antinarcotics and antiterrorism portions of Senator BROWN's very well-meaning amendment.

I thank the Chair. I yield my time.

Mr. BROWN. Mr. President, I yield myself 5 minutes.

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

Mr. BROWN. Mr. President, first of all, I want to say what a great pleasure it has been to work with the distinguished Senator from California. She is bright and thoughtful and she has been very energetic in applying herself to not only the committee work but this particular problem. I have found her to be very thorough and very sincere in the kind of approach she has taken, I might say also very constructive. And I appreciate the fact that she will offer an alternative to Members of the Senate to review that will give them some choices on this issue.

I must say as a Member I have found it a bit difficult to discuss the issue in trying to develop legislation, which I think is our job as legislators, with some Members who simply want to preclude the issue from being reviewed or discussed or legislated on and view the right way to do it is with a filibuster. I believe reasonable men and women can come to a reasonable solution that

is best for our country, and so I welcome her initiatives and I commend her on a very thoughtful approach to it.

Mr. President, I might say my approach all along has been to say, look, what is central here is for the United States to be true to itself. It is not in character for us to take someone's money for a contract and then refuse to return their money or refuse to deliver on that contract. What we need to do is either give them their money back or give them their equipment that they contracted for but not keep both. That I think is simple basic fairness that most Americans would agree with. I believe the Senator from California shares that view. She does have a different view than I in terms of the package, limited package of military equipment that my amendment would deliver.

Mr. President, I will simply add one other comment at this point. It is something of a technical background for Members. I note the distinguished Senator from Ohio is here and he has been a leader in the Senate, and in the world I might say, in terms of nonproliferation.

The MTCR, the Missile Technology Control Regime, has 25 countries—at least that is the latest CRS report—that indicate they are not so much signers but partners, in the parlance of the CRS, and these partners in addition have contacted other countries that do include China, that have agreed to abide by their guidelines. Pakistan is not a partner in MTCR, and they are not listed by the CRS among the countries that have agreed to observe it.

I believe the MTCR is a very important item here for Members to consider. We have statutes that are designed to control this technology. The suggestion has been made by some Members, for whom I have a great deal of respect, there may have been a violation of this statute with regard to China and Pakistan. If that is true, there will be severe sanctions. It is very important to know that the amendment which is before the Senate in no way waives those sanctions. As a matter of fact, it has a separate specific section that makes it crystal clear that nothing in this legislation waives those sanctions.

So should you be concerned about MTCR? Absolutely. But does this amendment in any way interfere with MTCR? Absolutely not. In fact, it does the opposite. It makes it crystal clear if there are sanctions there they have the responsibility to go ahead with them as provided by our law.

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

Mr. GLENN. Mr. President, I yield 15 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 15 minutes.

Mr. LEVIN. I thank the Chair, and I thank my friend from Ohio. And also let me commend the Senator from Ohio for the decades of work he has put in in the fight against the proliferation both of nuclear weapons, weapons of mass destruction, and means of delivery of those weapons. It is the missiles particularly which we are talking about today, but there are also weapons themselves which are involved in this debate, and nobody has worked harder than the Senator from Ohio to try to address the proliferation concerns which are the emerging threats to this world. The cold war may be over, but the world is a more dangerous place in many ways now than it was before. The reason it is more dangerous in many ways is because of the threat of nuclear weapons, weapons of mass destruction and means of their delivery, the proliferation threat which we face.

The issue is whether we are going to be serious about them. That is really what the Senate is going to decide tomorrow, whether or not we are going to be serious about a proliferation issue which is so clear that I would urge our colleagues to go up to the fourth floor, as about 10 of us have, and review the materials. They are there. The charts are there. They will be there in the morning. Some of us have had this briefing now three times. We can hide our head in the sand and we can say, well, gee, maybe there is not a violation of the Missile Technology Control Regime, which is supposed to be enforced by our export control laws, but I think it is pretty difficult to do that after the briefings that we have received.

Now, that is my conclusion. Maybe others can reach different conclusions. It is difficult for me to see how any of us can reach a different conclusion, but it is more difficult for me to see how we would not at least go up to the fourth floor and expose ourselves to those materials which are there very clearly for each Member of this Senate to see and consider.

If there is no more serious issue than proliferation—and I do not know of too many issues that are more serious—surely it is worth a visit to the fourth floor to review the intelligence reports on the question of whether or not China has delivered, transferred to Pakistan missiles or missile components which exceed the limits which are provided for in the Missile Technology Control Regime.

Now, our good friend from Colorado has given a bunch of reasons that we should proceed with the sale of this equipment to Pakistan. Pakistan is an ally; that is true. Pakistan has supported common goals in Afghanistan; that is true. Of course, it was in their own self-interest to pursue those goals, but nonetheless they were common goals and she pursued them. Pakistan, indeed, supports multinational peace enforcement. So do we.

I hope it is in her self-interest to do that. But the fact that we have a common interest in that is given as a reason for why we should proceed with the sale of this nature.

I think the other point that the Senator from Colorado makes, which is one I share, which is that it is not in our character to take folks' money and then not deliver the product, I must say in this regard I think that the Senator from Colorado is correct, that if equity requires that we not allow that money to be kept at the same time that the delivery has not been made, then true to ourselves, whatever portion of that money equity requires be returned to Pakistan should be returned to Pakistan.

But that is not the issue here tonight either. The Senator from California is going to be introducing an amendment tomorrow which will take us down that path which is the path of being true to ourselves and our laws on exports at the same time living up to a moral obligation to be true to ourselves to not take money from folks and not deliver the product.

Now, I believe that the Senator from California's amendment tomorrow is going to be worded in such a way that whatever funds equity requires be returned to Pakistan, or words to that effect, should be returned to Pakistan. And I would be supporting that amendment because that is the way we can be true to ourselves in all regard.

We can make sure that we enforce our laws against proliferation at the same time we do not take money which does not belong to us and keep money which does not belong to us. But we can do both.

The issue in this amendment tonight that we are debating, the Brown amendment, is whether or not we are going to ignore our law relative to the proliferation of missiles by authorizing the shipment of military equipment which, if Pakistan received missiles that exceed the limits in the missile technology control regime, could not be properly sent to Pakistan.

Now, our law is clear. It is the Arms Export Control Act. The law says that sanctions will be applied to those who export, transfer or trade in certain areas. And then they refer to the missile technology control regime annex. And that missile technology control regime is very specific, that if missiles or components of technology have a range of more than 300 kilometers and a payload of more than 500 kilograms, then that is violative of the missile technology control regime and then people who export, transfer or trade that type of missile or components for those missiles or technologies for those missiles will be subject the sanctions. It does not say ''may be subject to sanctions,'' by the way. It says the President ''shall impose sanctions'' in that event.

Now, that leaves it up to each of us to reach our own conclusion as to whether or not missiles have been transferred to Pakistan which exceed those limits. If so, our law does not permit the transfer of the equipment which would be allowed under the Brown amendment. Our law just simply does not permit that.

Now, maybe individuals can conclude that the evidence is not clear on this issue, that Pakistan has received missiles of this range and payload. And if an individual, a Member of the Senate, can go up to the fourth floor and reach that conclusion, it seems to me they could then support the Brown amendment. But I would urge Members to do that. I have done that now twice. I have had a third briefing on top of that. I cannot in good conscience reach any conclusion such as that, or come close to it. It is not even, to me, a close question.

I think in order for a person to conclude anything other than what I have concluded would require absolutely closing one's eyes to the extraordinarily clear evidence on this subject. What is that evidence? We are not allowed to describe that on the Senate floor. It is classified. We can describe our own conclusions, and we have. We can urge our colleagues to go and review that evidence—it does not take long—and reach their own conclusions, which surely our colleagues I believe should do. But the issue here is so important. It is a proliferation issue that it is incumbent upon those of us who have seen that briefing to urge our colleagues tomorrow morning, prior to the vote, to take a few minutes and go up and look at those materials in room S–407.

Now, our good friend from Colorado—I must commend him for a lot of reasons—he has applied an intellectual acumen to this matter as well as his own great spirit which makes it always difficult for those of us who disagree with him to disagree with him, because he is a man of great reason and a man of great integrity. He has pointed out in his amendment that it specifically says that ''nothing contained herein shall affect sanctions for transfers of missile equipment or technology required under section 11B.'' And that language is indeed in his amendment.

The problem is that his amendment does affect sanctions. The words in section 8 which I just read, which says nothing shall affect sanctions, are the words. But actions speak louder than words. The action part of this amendment is earlier in the amendment when it says that military equipment, ''other than F–16 aircraft, may be transferred to Pakistan pursuant to contracts for cases entered into before October 1, 1990.'' So the words in subsection (h) which say that ''nothing contained herein shall affect sanctions'' are contradicted by what is contained herein, which is the authority to transfer military equipment to Pakistan. That is the action part of the amendment.

How I wish it were true that nothing herein affected sanctions for transfers of missile equipment required under section 11B. If there were nothing in here which affected our missile technology control regime, if there were nothing in here which affected our Arms Export Control Act, there would not be any opposition to the Brown amendment on this floor. The problem is that this very amendment, by authorizing the transfer of military equipment to Pakistan, is undermining the Arms Export Control Act which says that this equipment shall not be transferred if—this is the big ''if''—if, in fact, Pakistan has received missiles or components or technology within the missile technology control regime. That is the ''if.''

Each one of us can reach our own conclusion. I think the conclusion is so crystal clear that there is not much room for doubt. The Secretary of State apparently has said that there is enough doubt in his mind that he has not yet reached that conclusion. How he has been able to say that in light of all that evidence beats me. But I hope everybody will reach their own conclusion. But this issue is so critically important, this proliferation issue, that it requires each of us to focus on that evidence, reach our conclusion, and if the conclusion is that, in fact, missiles have been transferred and if the conclusion is that they have a range and payload that exceeds the missile technology control regime, then it seems to me that the Brown amendment must be defeated.

And so, Mr. President, again, let me commend the Senator from Ohio, thank him for yielding me time. I also want to thank the Senator from California for the amendment which she is working on which will give us an opportunity to do two right things: One is to live up to our own Arms Export Control Act and to do the right thing on proliferation at the same time that we do what equity requires relative to the return of any funds that indeed equity might require be returned to Pakistan. We cannot do both things.

The Senator from California will be offering an amendment which will allow us to do both things, but the amendment before us puts us on a very, very difficult road which I think undermines the deep concerns which every Member of this body feels about proliferation.

Mr. HARKIN. Will the Senator yield?

Mr. LEVIN. I not only yield, I am happy to yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BROWN. Mr. President, the distinguished Senator from Vermont wants to make a brief presentation. While I have indicated to the Senator from Iowa that he would be next, with his acquiescence, I yield 5 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 5 minutes.

Mr. JEFFORDS. Mr. President, I will be brief, as I have to take the chair as soon as I can.

PRIVILEGE OF THE FLOOR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that John F. Guerra, a Pearson fellow on my staff, be granted the privilege of the floor for the pendency of this legislation.

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

Mr. JEFFORDS. Mr. President, I will be brief. First, I will support the amendment of the Senator from Colorado, but I also will take a moment to commend the Senator from Kentucky [Mr. MCCONNELL] for the time and hard work he and his staff put into crafting this legislation. He has done a commendable job with a tough assignment: to reduce our expenditures on foreign aid by a significant amount without compromising national interests. I appreciate his willingness to work with all of the members of the subcommittee to craft a bill that meets the budget allocation and comes to the floor with a broad backing of both the Appropriations Committee and a majority of the foreign assistance community.

Let us look at the big picture for a moment. We have committed ourselves to reducing the crippling Federal deficit, and failure to do so would irrevocably cripple our Nation and our economy for years to come.

Yet, we must not blindly slash spending across the board. We must carefully review our priorities and assign our limited funds accordingly.

I have been arguing for some time that education must be one of our top priorities. Spending on education is only about 3 percent of the entire Federal budget. Yet, if we do not prepare our children for the future, we will be unable to maintain our standard of living.

I am concerned that the quality of our educational system is falling behind that of our major international competitors, and if this trend continues, we will find ourselves severely handicapped in our efforts to maintain a position of economic leadership and our standard of living.

The other very small, yet very important, area of Federal spending is foreign aid. While many Americans think we spend about 15 percent of our budget on foreign aid, in truth foreign aid comprises only 1 percent of the budget. And this small investment is being cut in this bill by almost 10 percent. Foreign aid is doing its share in contributing to deficit reduction.

Yet, there is a danger in cutting these accounts too deeply. Much of this funding goes to meeting basic human needs abroad and to empower people to take control of their own development. If we do not make a modest contribution to the efforts of certain less developed nations to get their societies and economies on the right track, then we will lose out as these markets open to foreign business. If we do not increase our exports, we will not be able to maintain our standard of living. It is that simple.

Let me touch briefly on a few of the concerns I have with the bill. I am confident that the chairman and the ranking member will continue to work with me and other Members to address the

issues as we move through the process. While I am appreciative of the efforts that have been made to increase the funding for international organizations and programs account, more needs to be done. The funding is highly leveraged in most cases by funding matches from many other countries that share these development and environmental priorities.

I hope we can address this issue further as we move through this process. Otherwise, I worry that we may jeopardize the very good work done by many international organizations, including those ably led by Americans.

Let me mention the consolidation of the development assistance and economic support fund into a single assistance account. That dissolves the well-established separation between those two distinct aspects of U.S. economic aid. I am worried this change makes developmental assistance vulnerable, especially in the event of emergencies, to short-term pressures at the expense of long-term goals.

I understand the chairman's reasons for including both the development fund for Africa and the child's survival program in the new bilateral economic assistance account. However, I trust that as we move through the process, every effort will be made to protect these programs from any further reductions. It is critical that the funding for these neediest individuals and the neediest continent be preserved.

The cut of $28 million below the administration's request for voluntary funding for the peacekeeping account is also of concern. International peacekeeping is a great way of leveraging our defense expenditures and reducing the exposure of our troops, while helping to resolve conflicts of direct concern to us. It is one of the most cost-effective methods of increasing capabilities while sharing the burden in situations that demand our attention.

Mr. President, I want to again commend the Senator from Colorado for raising and discussing very eloquently this very difficult and important amendment. I also again want to commend both the chairman and ranking member of the subcommittee for their efforts in crafting a bill under extremely difficult circumstances.

Mr. President, I yield back the remainder of my time.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, we have been trading back and forth. I have committed to the Senator from Iowa. I certainly will understand if the distinguished Senator from Ohio——

Mr. GLENN. That is all right.

Mr. BROWN. Mr. President, I thank him and thank him for his generosity in allowing us to proceed. I yield now to the Senator from Iowa such time as he may consume.

The PRESIDING OFFICER (Mr. JEFFORDS). The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the Senator for yielding me this time.

I am proud to join with my colleague, Senator BROWN, in cosponsoring this amendment to the foreign operations bill. I think this amendment by Senator BROWN is the first step in moving toward a stronger and more flexible relationship with Pakistan, and I commend the Senator for all of his work on this important issue.

First, I will just say that some may call this a pro-Pakistan amendment, implying this is to help Pakistan and nothing more. Quite frankly, I see this as a pro-American amendment that strengthens U.S. interests and objectives in a vital region of the world.

I am sorry I was not able to be here for some of the earlier statements that were made, but I was here for most of the comments made by my colleague from Michigan. As I was listening, I was jotting down some notes. I could not help but think, as the Senator from Michigan, my good friend, was speaking, that the missile technology control regime only covers exports and imports. It obviously does not cover missiles developed in the country.

The question I was going to pose to the Senator from Michigan when he yielded the floor was whether or not the Senator from Michigan would be willing to extend these kinds of sanctions to India, even though it is not under the MTCR? We understand that. But nonetheless, a duck by any other name is still a duck, and when you are talking about missile technology and throw weight and whether or not you have the capability of delivering certain types of weapons, then certainly India has proceeded down that path.

MTCR, as we know, only covers imports and exports, but when you are talking about sanctions in terms of a missile regime, I think you have to look at it more broadly than that. So, again, if you are going to have sanctions, why not have sanctions on India, too? I rather doubt the Senator would be in favor of that.

But I say to my friend from Michigan that I think—and I checked this; it has been checked by staff with the State Department—that the major flaw in the argument of the Senator from Michigan is this: If there are violations, would the MTCR prohibit only all new licenses to Pakistan and China? The items we are talking about here were already licensed in the 1980's. These are old licenses, not new.

So my point is that even if MTCR sanctions were imposed tomorrow, all of these items could still go to either Pakistan or to China.

So the Senator from Michigan made an interesting statement, but it just does not comport with the facts and with what MTCR covers.

Mr. President, again, whether or not this evidence exists, let me read here a statement made by Secretary Warren Christopher on July 28, 1995, this summer, to the National Press Club.

Here was the question:

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

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

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

Mr. President, I ask unanimous consent that this statement appear at this point in the RECORD.

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

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

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

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

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

Mr. HARKIN. Mr. President, again, Secretary Christopher said, as late as July 28, there was not enough evidence that would justify the imposition of sanctions.

That is really kind of what we are talking about here. Again, my friend from Michigan mentioned something in his comments about the transfer of missiles and missile technology. All I can say is that the last paragraph of the amendment is very clear and unequivocal. It says:

Nothing contained herein shall affect sanctions for transfers of missile equipment or technology required under section 11B of the Export Administration Act of 1979 or section 73 of the Arms Export Control Act.

You cannot get much clearer than that. Again, I think the Senator from Michigan sort of raised a kind of straw man here because, obviously, the amendment offered by the Senator from Colorado is explicit in its last paragraph in saying that nothing herein shall violate the Arms Export Control Act.

Next, Mr. President, in case anybody says, ''Well, that was July 28 that Secretary Christopher made those comments,'' I have a copy of a letter here to the majority leader, Senator DOLE, from Secretary Christopher, regarding several issues, one of which is the issue regarding Pakistan. Let me read this paragraph that is in the letter dated September 20:

We appreciate the bipartisan interest we have seen in improving our relationship with

Pakistan. We would support an amendment that would permit aid to Pakistan that is in our own interest, such as trade promotion, counternarcotics assistance, and counterterrorism programs. We also support language that would allow for the return of military equipment for which Pakistan has already paid.

That is what is in the Brown amendment.

To engage Pakistan on issues of concern to us, including non-proliferation, it is essential to resolve this unfair situation.

That is dated September 20.

Mr. President, I ask unanimous consent that that be printed at this point in the RECORD.

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

SECRETARY OF STATE,
Washington, September 20, 1995.

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

WARREN CHRISTOPHER

Mr. HARKIN. Mr. President, last, regarding the letters, in making the point that the points of the Senator from Michigan are not in keeping with the views of the Secretary of State or of this administration, let me also read from a letter dated August 2 from the Secretary of Defense, William Perry, to the chairman of the Armed Services Committee, Senator STROM THURMOND. Again, I will read the first paragraph:

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

Then he went on in the letter to point out basically what is in the amendment and what the President would support. And then Secretary Perry says this:

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

Mr. President, I ask unanimous consent that this entire letter to Senator STROM THURMOND, dated August 2, 1995, be printed in the RECORD.

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

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

Hon. STROM THURMOND,
Chairman, Committee on Armed Services,
Washington, DC.

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

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

First, he strongly supports provisions already contained in the House and Senate versions of the Foreign Aid Authorization

bill that would permit us to resume economic assistance and limited military assistance affecting clear U.S. interests (including assistance in peacekeeping, counterterrrorism and counternarcotics as well as IMET).

Second, the President has decided to seek authority, as provided by an amendment to be proposed by Senator Brown, that would release approximately $370 million worth of embargoed military equipment purchased by Pakistan before the imposition of Pressler sanctions. This authority would specifically exclude the release of the F–16s. Among the items that would be released are three P–3C Orion maritime patrol aircraft, Harpoon anti-ship missiles, counter-mortar radars, howitzers, and support kits for F–16s and Cobra helicopters already in the Pakistani inventory. These items will not disturb the conventional arms balance in South Asia which overwhelmingly favors India.

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

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

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

Sincerely,

WILLIAM J. PERRY.

PUTTING THE RELEASE OF EMBARGOED PAKISTANI EQUIPMENT INTO PERSPECTIVE

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

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

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

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

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

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

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

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

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

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

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

Mr. HARKIN. Mr. President, I wanted to make those points up front to adequately refute, I think, some of the points made by my friend from Michigan. This basically is, as the Senator from Colorado has stated so many times, a basic issue of fairness. Pakistan has been a long-time friend and ally of the United States.

I know the hour is late, but I think it is important that, once again, we review a little bit of history so that we do not kind of operate in a vacuum, as though Pakistan was born yesterday, or that somehow our relationship with Pakistan just started.

This is a relationship that goes back a long way. At the time of its independence, in 1947, Pakistan made a conscious choice to promote friendship with the United States rather than the Soviet Union. The first Prime Minister of Pakistan, Liaqat Ali Khan, chose to undertake his first overseas visit to the United States instead of to the Soviet Union, despite efforts by Moscow to entice him there. While in the United States during 1950, the Prime Minister explained to various American audiences that the principles on which the nation of Pakistan was based were as compatible with the political, economical, and ideological goals of the United States as they were incompatible with communism. He expressed that it would be the view of his government to ''throw all its weight in the effort to maintaining stability in Asia.''

In a speech to this Congress, Prime Minister Liaqat Ali Khan proclaimed that ''no threat or persuasion, no material peril, or ideological allurement could deflect Pakistan from its chosen path of free democracy.''

Pakistan lived up to its commitments later on in June of 1950 when it declared its unqualified support for the United States in our war in Korea and backed us in that war.

In 1954, they joined the Central Treaty Organization. In 1955, they joined SEATO. These two American-backed alliances were aimed at the containment of communism and were very successful. In 1959, our two countries signed a Mutual Defense Treaty, which is still operational today. So this is a long history.

Again, some will say, well, Pakistan has had military dictatorships and violations of human rights. Listen, I understand that. But I believe that the freedom advocates in Pakistan have been at it continually. They have been assassinated and tortured, but they continue to struggle for democratic freedoms in that country. Those are the ones about whom I spoke, not the military dictators, not the repressive forces in Pakistan, of which there are more than just a few, but to those brave people of Pakistan who, through all of this, continue to struggle and to fight and to maintain an adherence to democracy. In 1960, Pakistan's commitment, its friendship to the United States was put to a very severe test.

Again, in accordance with the Mutual Defense Treaty, Pakistan allowed us to set up some bases. One of them was a base from which we flew our U–2 flights over the Soviet Union and one of those flights, as we all too sadly remember, was shot down by the Soviets. Francis Gary Powers was the pilot. We all know how the Soviets paraded him as one of their trophies.

Soviet leader Nikita Khrushchev turned his ire on Pakistan because he knew that is where the plane left from. He threatened to use nuclear arms and weapons against Pakistan. He boasted that the City of Peshawar would be wiped off the face of the earth because that is where the base was. The former Foreign Minister of Pakistan, in his recently published account of the incident, describes the cool and confident reaction of the then-President of Pakistan, who dismissed the Soviet threat by saying, ''So what?''

Again, put yourself in that context. Korean war, Mutual Defense Treaty, allowing us to base our U–2 flights here. They are bordering right on the Soviet Union, and yet they stood by us.

Pakistan again came to the help of the United States by helping to facilitate the crucial opening of American relations with China. In 1970, then-Secretary of State Henry Kissinger undertook a secret visit to China from Pakistan. Thus, again, Pakistan served as that vital bridge between the United States and China. Again, it was critical in the cold war to restrain the Soviet Union.

Moscow began to speak of the Washington-Beijing-Islamabad axis. Again, it was only Pakistan which bore the brunt of Soviet anger when Moscow signed the defense treaty with India, and through a massive transfer of arms as well as political support which enabled India to invade East Pakistan in 1971.

Regrettably, the United States stood by even though we had a mutual defense treaty with Pakistan at that time.

In 1979, once again Pakistan's friendship with the United States was put to a severe test when the Soviet Union invaded Afghanistan. Over the next decade, Pakistan joined the United States in helping to roll back Soviet communism and expansion. It did so at great cost. Not only, again, did the Soviet Union threaten Pakistan with dire consequences, but launched a campaign of subversion and terror against Pakistan. The country experienced numerous violations of its ground and airspace, terrorist bombings, subversion.

To add to these problems, Pakistan provided refuge to more than 3.2 million Afghans at great political and economic cost to itself. Think about that, Mr. President: 3.2 million Afghans sought refuge in Pakistan.

Pakistan continues to pay the price for the role it played in the defeat of the Soviet Union in Afghanistan. But they stood by us and they helped. Ironically, however, this successful cooperation between Pakistan and the United States was followed by the worst period in their bilateral relations with our country with the imposition of the Pressler sanctions against Pakistan in 1990.

Even despite this development, Pakistan continued to seek friendly relations with the United States and came to our assistance whenever we requested. Pakistan made significant troop contributions to the multinational forces during the gulf war to liberate Kuwait. At the political level, Pakistan not only condemned the Iraqi invasion of Kuwait but was instrumental in promoting the U.N. efforts for the liberation of Kuwait.

Again, Pakistan took a lead role in the peacekeeping operations in Somalia, serving together with American troops in that country. It was not the first time that American and Pakistani soldiers died together for the same cause.

Again, at our request, Pakistan has been at the forefront of contributing to U.N. peacekeeping operations. Pakistan forces have been deployed for peacekeeping purposes in Bosnia, Liberia, Haiti. Pakistani troops were in Haiti, helping us to restore democracy to Haiti, Western Sahara, Mozambique, Georgia.

Recently, the United States and Pakistan have also joined hands in the fight against terrorism and narcotics. Recently, and in cooperation with American personnel, Pakistan recently apprehended Ramzi Yousaf for alleged involvement in the World Trade Center bomb blast, and Pakistan has extradited over half a dozen drug barons to the United States in our joint counter-narcotics drive.

Again, Mr. President, I recite all this. I know a lot of people know this history, but maybe too many of us have forgotten, and we have forgotten what a close friend and ally Pakistan has been.

Again, as a moderate democratic Islamic country, Pakistan is the only tried and trusted friend that we have in that Islamic world. The recent visit of Prime Minister Bhutto clearly demonstrated that Pakistan's commitment to friendship with the United States remains as strong as it was during the cold war.

Mr. President, with this kind of history, for the life of me, I cannot understand why we continue to treat that country as we do. Again, I am only talking again about fairness. Secretary of State Christopher said that. It is an issue of fairness. Secretary of Defense Perry said it is a question of fairness and a question of our relationships with Pakistan.

Mr. President, again, neither India or Pakistan are a party to the Nuclear Nonproliferation Treaty. I wish they were. If I had an argument against Pakistan, it would be that argument. They ought to be a part of it. But so should India. India cannot skate by on this simply because they say they are not importing and they are building their own. They cannot skate by on that kind of flimsy excuse.

Again, I do not think anyone here would advocate unilateral disarmament on our part. Certainly, we could not expect Pakistan to have a unilateral disarmament on their part.

Again, I hope that both sides, India and Pakistan, would agree to a regime of peaceful relations and a downgrading of both of their military systems. But we cannot expect Pakistan unilaterally to do that, not given the history of that region.

I understand Pakistan is not a perfect country. But, again, what we are doing is not fair. Absolutely not fair.

The Brown amendment moves United States policy forward so that we can work with Pakistan to tackle a lot of problems: drug trafficking, international terrorism, peacekeeping, illegal immigration. But, again, it also strengthens a competitive position for United States companies to do business in Pakistan. So it advances our interests abroad.

Again, on the question of military equipment, the Brown amendment is a fair and responsible approach. A fair and responsible approach. We should not be charging Pakistan with the storage of military equipment they purchased that we did not release. It is not fair. We should not be holding on to military equipment that Pakistan simply sent here for repair. It is not fair. And we should not hold on to the money and hold on to the equipment that Pakistan has bought and paid for. That, too, is unfair.

This issue has led to a steady erosion of our relationship with Pakistan, an old friend—a struggling democracy, struggling, a very troubled part of the world.

So in order to strengthen our partnership and advance American interests, it is essential to put this problem behind us, wipe the slate clean and concentrate on the issue of nonproliferation, which is the intent of the Pressler amendment.

The Brown amendment helps us do just that.

Again, when you look at the equipment that we are talking about, there is nothing in here that is new. As I said, these are items that were already approved. These are not items that would be covered under the missile technology control regime.

I want to make that point one more time to my friend from Michigan. Even if the MTCR sanctions were imposed tomorrow, all the items in the Brown amendment could go because they had already been approved under the old regime.

Again, the Brown amendment is fair, it is responsible, it is reasonable, it will wipe the slate clean. I think it will help promote democracy and the democratic forces that are struggling and have struggled so hard in Pakistan. I do not think it will do one iota in any way to encourage any kind of nuclear proliferation or technology of missiles or anything else. As I said, the Secretary of State and the Secretary of Defense have both said that the evidence is not there in sufficient amount to impose these kinds of sanctions.

So, again, I would just say that it is in our best interests to adopt the Brown amendment. That is why the administration supports it so strongly. That is why I support it. I believe we have to get on with renewing our relationship with Pakistan, to wipe the slate clean, to treat them fairly—not unfairly.

If people want to talk about the country that has, I think, pushed us to the limits in terms of using nuclear devices, testing nuclear weapons, and building up nuclear arsenals, we ought to be talking about India, not Pakistan. So I think this will get us back on a more even keel and perhaps will set us up in a regime where we can actually engage both India and Pakistan

to begin a process of more peaceful relations and negotiations leading to a cooling down in that region of the world and, perhaps, even a reduction in the weapons in both India and Pakistan.

If we continue on the way we are going, then I fear the hard line forces in Pakistan, the antidemocratic forces, are going to go to the forefront. I think they are the ones who are going to be able to say look, how can you trust the United States? Here we have done all these things for the United States over all these years—we have supported them, been their great friends, backed them up, and they turned their back on us.

If you want to push Pakistan, as some of these people are saying, closer to China, that is the way you do it. If you defeat the Brown amendment you will get just what you asked for. You will get the more repressive forces in Pakistan going along with the repressive forces that are dominant in China today, and then we really will have a problem in South Asia.

Mr. President, I urge the adoption of the Brown amendment and I yield the floor.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, before the Senator from Iowa leaves, I want to point out, he was questioning whether we would have the guts to sanction India. I point out to him that we did sanction India under the MTCR. We had United States sanctions imposed against India, the Indian space research organization, and against Russia, Glavcosmos, for the Russian transfer of cryogenic rocket engines. That was in 1992, I believe. So we did actually have sanctions against India.

What we did was we cut the United States exports of missiles for a 2-year period, I believe it was. I do not have the exact date it was put into effect—yes, we do. This is out of the May 12, 1992 Washington Post, an article by R. Geoffrey SMITH titled, ''U.S. Imposes Sanctions Against Russian-Indian Concerns Over Rocket Deals.''

Mr. HARKIN. If the Senator will yield, that is true, but the sanctions have since expired.

Mr. GLENN. They expired, but I thought the point was we did not have guts enough to assign sanctions against India—but we did. We have done it.

Mr. HARKIN. Again, we continued the sanctions on Pakistan but let them expire on India.

Mr. GLENN. The same sanctions expired on India. But, anyway, the issue here is not the money, small amounts of equipment and so on. The issue is: Does the United States of America have a nuclear nonproliferation policy worthy of the name or not? That is basically what we are talking about. Do we have one and are we willing to abide by it? Or is it a sham? Is it only for press conferences? Is it only for campaign talk and little else? That is the question.

Talk about trusting the United States, let us talk about how much we can trust other nations of the world whom we try to help and work with. We have felt strongly enough about our nuclear stockpiles and what is going on around the world that we have exhorted other nations to please sign up under the nonproliferation treaty. At the same time, we pledged that if a situation ever got to where we could start working our stockpiles of nuclear weapons down, vis-a-vis the Soviet Union, we would do that. Fortunately, at this day and time, after all these years of cold war, we have reached that point where we now are downsizing, as we call it, our nuclear weapons stockpiles. And we are all glad that is occurring.

In the meantime we asked other nations to sign up under the NPT, to submit to IAEA inspections. And we have had 178 other nations that have put their faith in the United States of America, to follow our lead and say, ''Yes, we trust you. And, yes, we will go along, we will not develop nuclear weapons in return for America's cooperation in peaceful uses of nuclear energy.''

Who is the most egregious violator of all these things with regard to not signing up, refusing to sign up under the nonproliferation treaty, not cooperating in matters nuclear, in fact telling untruths, one right after the other, one right after the other, on and on and on and on and on? That is Pakistan.

I can appreciate very much the situation Pakistan finds itself in. Some years ago China developed nuclear weapons. They have been part of the nuclear weapons scene across the world for many years. India and China have had border troubles, disputed territories. Both claimed certain areas up along the border, and they have been back and forth at each other for many, many decades, going way back. So, as soon as China developed nuclear weapons, India felt they had to do the same thing or they would not be safe. So they set about a nuclear weapons development program. In 1974 they set off their first nuclear device. They called it a PNE, a peaceful nuclear explosion. OK, that is fine, they can call it what they want, but a bomb is a bomb is a bomb is a bomb, whether you call it a peaceful bomb underground for test purposes or whether it is a bomb that is usable, an explosive device that will go off somewhere else.

As a result of the Indian PNE, then we had Pakistan swore they would get the bomb one way or another, no matter what they had to do to do it. In fact then Prime Minister Bhutto, the current Prime Minister's father, who later died, said that, to quote his words, Pakistan would ''eat grass'' if it was necessary to get that nuclear capability. They have been embarked on a nuclear weapons program ever since, even though they have steadfastly denied it, year after year after year after year. And they have been untruthful to us.

I went to Pakistan, met personally with President Zia back years ago, with Yaqub Khan, who was foreign minister, and their atomic energy commissioner at that time, met with all these people, sat and talked to them one on one, looked them right in the eye, and they swore up and down they had no nuclear program under way. And I think they even knew at that time that I knew that what they were telling me was not true, even though we had good intelligence information at that time.

Let me just quote—I am going to put some of this in the RECORD later on at the end of my remarks, but let us bring it up to date here with the present Prime Minister, Benazir Bhutto. Listen to some of her comments on this. Going back when she was opposition leader, Benazir Bhutto, shortly before she became Prime Minister, the Washington Post quotes her as saying:

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

That was on November 19, 1988.

On November 28, 1988, once again opposition leader Benazir Bhutto, interviewed in Time Magazine, says:

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

Now Prime Minister Benazir Bhutto, interviewed in the Calcutta Telegraph on December 14, 1988—she is now Prime Minister—is quoted as follows:

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

Later on Prime Minister Benazir Bhutto, interviewed on MacNeil/Lehrer on December 16, 1988:

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

Bring it on up a little bit. Prime Minister Benazir Bhutto, once again addressing a joint session of the U.S. Congress, on the other end of the Capitol from us, when she came over here and addressed us on June 7, 1989, said:

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

That was to the Congress of the United States.

July 10, 1989, Prime Minister Benazir Bhutto:

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

Another one quoted by AFP on August 29, 1989:

> We do have the knowledge but I do think there is a difference between knowledge and capability. So we do have a knowledge, if confronted with a threat to use, but we do not in the absence of any threat intend to

use that knowledge. In fact, as a matter of policy, my government is firmly committed to nonproliferation.

Then quoted in an interview in a German newspaper, as quoted by Reuters, on October 22, 1989:

It is true that Pakistan has certain knowledge in the nuclear field but it has no intention of using this knowledge. To put it another way, we do not want to convert this knowledge into, shall we say, a nuclear capability at the present time.

And the last one that I will read here out of a number of other examples I could give was in 1994, last November, November 18, 1994, being interviewed by David Frost on PBS. Prime Minister Benazir Bhutto:

We have neither detonated one nor have we got nuclear weapons. Being a responsible state and a state committed to nonproliferation, we in Pakistan through five successive governments have taken a policy decision to follow a peaceful nuclear program.

Well, at a later time I will ask to enter these in the RECORD at the end of my remarks. But those are examples of some of the statements and there are several dozen others here by various Pakistani officials that go along the same line.

Well, so much for the protestations that they have made through the years.

In 1987, Yaqub Khan, father of the bomb in Pakistan as he is known, in an interview, I believe it was in London, made the mistake of saying that, yes, they had the bomb. That was it, period.

MTCR was brought up a little while ago as well as M–11's. When we talked to some of the people over at the White House today, after I said, what if the missile technology, MTCR, has been violated? What would be the administration's policy? I was told by the person I was talking to, not the President, but I was told by the person I was talking to, ''Well, if MTCR has been violated, we will abide by the law.''

I hope they mean it. I wish they would do the same thing with regard to the Pressler amendment and with the other legislation that we have had on the books for a long time.

To understand how we arrived at this difficult state of affairs with Pakistan, in which they have paid $658 million in cash and used $200 million in credits for 28 F–16's but cannot have them delivered, I think we need to go back. I think we need to review a little bit of the history of Pakistan.

I would also add that $658 million in cash and $200 million in credits comes up to about $858 million that we are talking about.

But to go back a little bit, in the mid-1970's, Congress became concerned about increasing evidence of international nuclear trade in dangerous technologies associated with producing nuclear weapon materials.

A number of countries, including but not limited to Pakistan, South Korea, Brazil, Taiwan, were actively engaged in seeking such technologies, and suppliers such as France and Germany seemed prepared to meet the demand.

Now, in an attempt to dampen such activity, in 1976 and 1977, Congress enacted what is now called the Glenn–Symington amendment to the Foreign Assistance Act which provided that countries importing or exporting such dangerous technologies under certain conditions would be cut off from U.S. economic and military assistance.

This law was universal in its application. It was not directed specifically toward Pakistan at all. Nonetheless, in 1979, after much information became available about illegal Pakistani activities involving the smuggling of design information and equipment related to nuclear enrichment, President Carter invoked the Glenn–Symington amendment to cut off the Pakistanis.

After the war in Afghanistan broke out, attempts by the Carter administration to restore some assistance to Pakistan in return for restraints on their nuclear program were rebuffed by the Pakistanis. When the Reagan administration arrived, aid to Pakistan and the mujaheddin was high up on the administration's foreign policy agenda. At that time, they even suggested repeal of the Glenn–Symington amendment. That was suggested during some of the congressional consultations we had with them. That was rejected.

Instead, a proposal was made and adopted into law that allowed the President to resume aid to Pakistan for 6 years despite its violations of section 669 of the Glenn–Symington amendment which related to uranium enrichment activities. President Reagan used this authority in 1982 and also issued a waiver under section 670 of the amendment. This related to reprocessing activities—to exempt Pakistan indefinitely from the cutoff provisions of that section of the Glenn–Symington legislation as well.

Now, he could not do the same under section 669 unless he had reliable assurances that the Pakistanis were not developing nuclear weapons. And such assurances were clearly not available.

Thus, a specific waiver for Pakistan was created and has been subsequently renewed five times. That allowed them to escape from the sanctions imposed by United States law for proliferators. This has been done for no other country that I am aware of. So anyone who thinks we are being too harsh on Pakistan, poor little Pakistan, we have renewed that waiver on five different occasions. Nonetheless, Congress was unwilling to give a complete blank check to Pakistan and stipulated in the waiver legislation that Pakistan would still be cut off if—if—it received or exploded a nuclear device.

Now, in addition, Congress stipulated that an annual report would be provided on Pakistan's nuclear activities so that Congress could confirm that United States assistance was indeed inhibiting Pakistan's bomb program as was confidently assumed by Reagan administration officials.

We have a number of statements that they made at that time about what a big thing this was going to be, and that was the best thing to do to get the Pakis to hold back on their bomb program. So we required reports, and those reports, along with supplementary intelligence information, revealed there was no effect whatsoever on the pace or the direction of the Pakistani bomb program.

The Pakistanis continued to say publicly they had no nuclear weapons program and continually lied to United States authorities whenever questioned. Indeed, then-President Zia and then-head of the Pakistani atomic energy commission, Mir Khan, both lied to me in my visit to Islamabad in 1984. Lying is a harsh word, but I cannot put any other word to it. That occurred when I asked about information I had concerning their nuclear program.

The result of all this mendacity, plus ongoing information that the Pakistani program was progressing, was the enactment of the Pressler amendment. The Pressler amendment was passed in 1985, which was designed to draw a new line in the sand regarding the extent of United States forbearance over Pakistan's nuclear weapons program.

The amendment required the United President to certify annually that Pakistan did not ''possess,'' in quotes—''possess,'' key word—a nuclear explosive device in order for assistance to continue and that such assistance would significantly reduce the risk that Pakistan would possess such a device.

Please note that the argument about the Pressler amendment being unfair because it applies only to Pakistan is completely disingenuous because it ignores the fact that Pressler was created to shape further the unique special exemption from United States nonproliferation law given to Pakistan years earlier. If we had not had the waiver, we would not have needed Pressler.

It has been reported that CIA officials who were privy to intelligence information concerning the Pakistani program were very skeptical beginning from 1987 on that the President could make the appropriate certifications under Pressler to allow aid to continue; in other words, to say with some certainty that they did not possess any nuclear device and that our assistance was significantly reducing the risk that they would possess.

Statements from high-ranking Pakistani officials around this time suggested they had the bomb within their grasp. Nonetheless, President Reagan in 1987 and 1988 and President Bush in 1989 made those certifications. It has also been reported that President Bush told the Pakistanis in 1989 that he would be unable to make this certification the next year in 1990.

Now, the contract for the sale of 28 F–16's was signed in 1989, the year Pakistan ostensibly had been warned that there would be no further certification that would allow them to receive military equipment from the

United States. The first cash payment by Pakistan of $50 million was made at the beginning of fiscal year 1990. Subsequent to the cutoff, which came because of the Pressler amendment which took affect in October 1990, Pakistan continued to send periodic payments for the manufacture of F–16's. That is, $150 million in fiscal 1991, $243 million in fiscal 1992, $215 million in fiscal 1993, for a total of $658 million.

Why did they continue to send money when they knew that U.S. law would not enable them to receive the planes? That is a question only they can answer. But it is not unlike an investor buying a stock of a company whose assets are under lien in the hope that the lien will somehow be removed. If it does not get removed, the investor can hardly call foul.

All this is to say that the Pakis are hardly entitled to any sympathy in their national security plight in South Asia. They fought three wars with a much larger adversary, India, who is pursuing a nuclear weapons program and exploded a device in 1974. By virtue of the India nuclear program being indigenous and not in violation of the terms of the Glenn–Symington amendment, the Indians have not been subject to the amendment sanctions, which would not have been effective in any case since the Indians received only token amounts of economic or military assistance from the United States.

But that is not the same thing as saying that United law is discriminatory in its application. Now, I indicated earlier we have 178 nations who have signed up and extended the nuclear nonproliferation treaty, made it a permanent treaty. It has been the policy of every American President over the past 25 years since the treaty went into effect to support the treaty, and we have been steadfast in that support.

Now, the members of the treaty deserve our trust. We have to be deserving of that trust. They put their trust in us.

Now, how will we be keeping faith with those 178 nations meeting in New York if the message that is sent is that a proliferator with a history of mendacity can receive from the United States a significant number of nuclear-weapons-delivery systems, that is, F–16's. Well, to even ask the question is to give the answer: The United States cannot be a champion of nonproliferation on the one hand and a facilitator of nuclear weapons development or delivery on the other.

Sending F–16's to Pakistan before full realization of the history we laid out in this letter would indeed be a gross violation of our commitment to foster nonproliferation ethics in the world through the NPT and other means and would rightfully subject us to strong international criticism.

I am certainly not an enemy of Pakistan. I visited there. I like the country. I supported them when they were threatened in the past, such as during the war in Afghanistan. I want their cooperation in the fight against terrorism and drugs. But surely we have to find a way to support them in these activities without enhancing their nuclear-weapons-delivery systems.

As to the cash payments for the F–16's, we cannot ignore the fact that, contrary to the grossly incorrect public statement made by Assistant Secretary Robin Raphel at a White House briefing on April 11, no payments were made by Pakistan before fiscal 1990. Sticking to the payment schedule of the contract until fiscal 1993 was a gamble by Pakistan that did not pay off. Now they want to be held harmless from losing their gamble.

Now, I want to get them their money back, if we can possibly do it. It is perhaps unfortunate that U.S. officials did not disabuse the Pakistanis of the hope that making those payments would put pressure on the United States to reverse the Pressler sanctions and deliver the planes. But that is no reason to turn that hope into reality right now.

Mr. President, there have been a number of milestones in the United States-Pakistan nuclear relations. The background of this arms transfer scheme can be summarized by recalling a sequence of some 10 milestones in the history of our nonproliferation efforts in Pakistan. I guess milestone 1 would involve those waivers and favors. Throughout the 1980's, officials from the executive branch assured Congress and the American taxpayers that billions of dollars in aid that we shipped to Pakistan throughout that decade would shore up Pakistan's security and thereby act as a substantial break on Pakistan's nuclear program.

Mr. President, I ask unanimous consent to insert at the end of my remarks a list of no less than 20 such assurances to Congress.

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

(See exhibit 1).

Mr. GLENN. To get this aid to Pakistan, Congress had to create some special waivers for the President to invoke, discriminatory waivers tailored exclusively on Pakistan's behalf. There was a waiver of our uranium enrichment sanctions on February 10, 1982, just for Pakistan. There was a waiver of our plutonium reprocessing sanctions on the same day, February 10, 1982, just for Pakistan. There was another waiver of our uranium enrichment sanctions on January 15, 1988, just for Pakistan. There was a waiver of a nuclear procurement sanction on the same day, January 15, 1988, just for Pakistan.

There was a waiver of our uranium enrichment sanctions on March 28, 1990, just for Pakistan.

There were waiver authorities of uranium enrichment sanctions that Congress created but which fortunately were not exercised by the President on November 5, 1990, October 6, 1992, and September 30, 1993, once again, just for Pakistan.

So much for the discrimination in United States policy, as though we are picking on Pakistan.

By this record, the United States has unquestionably and shamelessly discriminated on behalf of Pakistan where American law was concerned. The next time I hear much complaint about the fact that the Pressler amendment only refers to Pakistan, I can only wonder what has happened to our memory about these waivers and about our appreciation for that history.

The future of this great Republic depends upon our Nation's ability to learn from, not ignore, its experiences. I am tired of discrimination—all discrimination—but most especially discrimination in favor of proliferation. Of all the arguments that have been levied against the Pressler amendment, I have never heard anyone accuse it of being in favor of proliferation. That is more than I can say about the current proposal.

Milestone 2, we title this ''Those Peaceful Nuclear Assurances.''

Officials from Pakistan, meanwhile, lost no effort in blanketing our Capital with a blizzard of peaceful nuclear assurances. My staff assembled an impressive collection of over 70 of these promises, assurances, pledges and other offerings intended to reassure America that Pakistan was not just taking our aid and proceeding with its bomb, which is, of course, exactly what Pakistan was doing.

Mr. President, I ask unanimous consent to print in the RECORD at the end of my remarks a collection of these assurances that was compiled by Michelle Fraser, an intern with the Committee on Governmental Affairs.

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

(See exhibit 2.)

Mr. GLENN. Mr. President, I recall hearing the testimony of the State Department's Under Secretary James L. Buckley before the Nonproliferation Subcommittee of the Committee on Governmental Affairs back on June 24, 1981. He stated:

> I was assured by the ministers, I was assured by the President himself that it was not the intention of the Pakistani Government to develop nuclear weapons.

Mr. Buckley went on to argue how new United States aid would act to curb Pakistan's nuclear ambitions. Recall that at the time those remarks were spoken, very few commentators or analysts were claiming that Pakistan was a de facto nuclear weapons state. Pakistan did not have bomb-grade uranium from its unsafeguarded enrichment plant at Kahuta. News reports had not yet circulated that China had provided a design of a nuclear weapon to Pakistan along with other nuclear assistance. We had seen virtually nothing about Pakistan engaging in high-explosive testing of components of nuclear weapons.

Pakistan had no fleet of F–16 aircraft which could potentially be used as a delivery system for nuclear weapons.

No, indeed, all the above came only after or during the massive flow of aid to Pakistan through the 1980's.

Despite this record, we are hearing today some of the same old recycled arguments: Provide aid and it will buy us influence. Some people just refuse to believe that what Pakistan really wants is both its bomb and our aid.

Milestone No. 3 we can title ''Proliferation Unbounded.'' By the mid-1980's, the situation was really getting out of hand. Everybody knew that Pakistan's bomb program was rolling right along. This aid included substantial quantities of military assistance, even F–16 aircraft, that were quite suitable for use in delivering nuclear weapons.

To illustrate the scope of the progress Pakistan was making on its bomb as we continued providing aid, Mr. President, I ask unanimous consent to print in the RECORD at the end of my remarks a chronology showing how bad the problem was.

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

(See exhibit 3.)

Mr. GLENN. Mr. President, the record is thus quite clear. There was a direct positive relationship between the flow of United States aid and the progress of Pakistan's bomb program, not the negative relationship that the executive repeatedly assured Congress would exist.

Milestone No. 4, ''Congress Steps In.'' By 1985, Congress justifiably had enough. With the agreement of the executive and even the Pakistani Government, we passed a law known as the Pressler amendment to set some ground rules to permit the resumption of aid to Pakistan.

That is overlooked, as my colleague Senator PRESSLER said on the floor just a while ago; that the Pressler amendment was supposed to set some ground rules to permit resumption of aid to Pakistan. First, Pakistan must not possess a nuclear explosive device, however; and second any new aid must reduce significantly the risk that it will possess such a device.

Note how far the current legislative proposal departs from these responsible standards. Not only does the proposal call for resuming full economic aid and significant new arms deliveries to Pakistan despite its failure to satisfy the nonpossession standard, but the aid is supposed to be provided even if it has no effect whatsoever upon reducing the risk of Pakistan getting the bomb. For those who truly care about nonproliferation, this is truly a lose-lose proposition. Where is the beef? There is no beef.

This brings me to milestone 5, the issue of the certifications that Pakistan did not possess the bomb. I guess we could title milestone 5, ''From Red Line to Elastic Clause.''

In the late 1980's, Pakistan crossed several additional red lines toward acquiring the bomb. Even its top nuclear scientists boasted in 1987 that Pakistan already possessed the bomb, and somehow Pakistan kept receiving its annual certification that it did not possess. As for the executive's approach to the word ''possess'' through that period, I am reminded of a quote from a character in Lewis Carroll's ''Through the Looking Glass:'' ''When I use a word,'' Humpty Dumpty said in rather a scornful tone, ''it means just what I choose it to mean, neither more or less.''

That is where we find ourselves in regard to defining the word ''possess.'' It can mean so many different things.

There comes a time when we need to hold the line against the temptation of our officials to redefine terms of law for diplomatic convenience. As for the possession standard, fate would soon catch up with Pakistan.

Milestone 6, ''A Nuclear Near Miss.'' In the summer of 1990, Pakistan almost engaged in a nuclear exchange with India. If any of my colleagues are skeptical about the relevance of nuclear weapons proliferation in South Asia to United States national security, I strongly recommend they read Seymour Hersh, in an article published in the New Yorker on March 29, 1993, aptly entitled ''On the Brink of Nuclear War: How Pakistan Came Close to Dropping the Bomb—And How We Helped Them Get It.''

This article is, incidentally, also a good candidate of the eccentricities of our system for enforcing export controls. The article describes a 1986 United States undercover operation to stop yet another planned Pakistani purchase of United States nuclear-related material. According to Hersh:

> The State Department's Near East Bureau was not told of the planned operation, for fear that the officers there would tip off the Pakistanis, as they had done in the past, by sending a diplomatic protest (known as a demarche) to the Pakistani Government.

Though the operation ultimately led to the highly publicized arrest of Mr. Arshad Z. Pervez in July 1987 on charges of trying illegally to buy 25 tons of special steel used in Pakistan's uranium enrichment program, it was surely not due to much help from the regional experts in the State Department. In a statement related directly to our subject today, one nonproliferation official told Hersh in the article that.

> ''The only thing we had going for us. . .was the Pressler and Solarz amendments.''

Such accounts of our export control process only further reinforce my opposition to the scheme offered in the recent State authorization bill to abolish the Arms Control and Disarmament Agency and transfer all of its functions to the State Department, in effect, making State the new nonproliferation czar.

Fortunately, there do appear to be some individuals left in Government, as indicated in the last quote, who treat the Pressler amendment as a useful tool rather than an obstacle to be circumvented.

Milestone 7, ''Judgment Day.'' By October 1, 1990, even the State Department lawyers had enough and finally ran out of words to explain why Pakistan deserved its annual nuclear certification. President Bush decided not to renew Pakistan's nuclear meal ticket. The time had finally come for proliferation to start costing something.

Milestone 8, ''New Nuclear Assurances, This Time to Congress.'' Since 1990, representatives from both the Bush and Clinton Administrations have sought to repeal the Pressler amendment—these representatives promised Congress, in writing and repeatedly, that even if the Pressler amendment were repealed, rest assured, it would remain the policy of the United States to require Pakistan to satisfy the Pressler standards. Furthermore, Congress was assurred by the Executive that when it came to licensing commercial arms sales, we would never, never, never approve any ''upgrades'' to existing military capabilities in Pakistan.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a few samples of these assurances.

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

CONDITIONS FOR RESUMING ECONOMIC AID TO PAKISTAN: A HISTORICAL REVIEW OF EXECUTIVE BRANCH ASSURANCES TO CONGRESS

April 12, 1991: President Bush sends a letter to Congress accompanying the Administration's ''International Cooperation Act of 1991''—the letter acknowledges an intent to repeal the Pressler Amendment, but reassures Congress that: ''I will continue to insist on unambiguous specific steps by Pakistan in meeting nonproliferation standards, including those specifically reflected in the omitted language, known as the Pressler Amendment. Satisfaction of the Pressler standard will remain the essential basis for exercising the national interest waiver that is in the Administration's proposal in order to resume economic and military assistance to Pakistan.''

November 24, 1993: State Department spokesman Michael McCurry says that: ''. . . as a matter of administration policy, we will continue to apply Pressler standards'' to Pakistan.

November 25, 1993: Assistant Secretary of State Wendy Sherman is quoted as having said in a letter to Congress accompanying the Clinton Administration's new foreign assistance bill that: ''The absence of any country-specific language in this draft should not be interpreted as constituting a change in U.S. policy toward any country.''

November 26, 1993: After the Clinton Administration introduced its new foreign aid legislation would repeal the Pressler Amendment, the State Department issued the following statement: ''Even if a new foreign assistance act without specific language on Pakistan were passed, we would continue to apply Pressler standards to Pakistan.''

November 30, 1993: State Department spokeswoman, Christine Shelley, tells reporters that despite the Administration's efforts to drop the Pressler Amendment, ''. . . satisfaction of the Pressler standard will remain the essential basis for exercising any national interest waiver and for resuming economic and military assistance, including any decision by the U.S. Government to sell or transfer military technology to Pakistan . . . What we have indicated is that Pakistan would continue to be subject to sanctions

along the lines of the Pressler amendment under the administration's new proposal.''

Mr. GLENN. Just as the United States expects Pakistan to comply with its nuclear assurances, I think it is fair for the Congress to insist on the Executive honoring its own assurances to Congress when it comes to implementing our nuclear nonproliferation policy.

Milestone 9, ''Some Early Signs of Restraint.'' Although Pakistan's bomb program is no doubt continuing, and it is indeed maintaining its nuclear and missile cooperation with China, it may have also acted to halt production of highly-enriched uranium I would like to inform my colleagues today that this is the most significant restraint I have seen in some 15 years in Pakistan's nuclear program—the bad news is that Pakistan's bomb program has not disappeared from the face of the earth, the good news is that it is not expanding as rapidly as we once thought, and the news which most Americans will probably be most gratified to hear is that this first demonstration of genuine nuclear restraint by Pakistan did not cost the American taxpayer a red cent—it is due entirely to the effect of the Pressler amendment. This is the law that detractors continue to tar as having been ''ineffective'' or ''inflexible.''

Supporters of the Pressler amendment make no apologies about standing up for this ''inflexible'' law. After all, my dictionary defines this term as follows, ''. . . of an unyielding temper, purpose, will, etc.'' To supporters of nonproliferation generally, the alternative of ''passive accommodation'' has little attraction indeed. Thus we have no quarrel with the charge that the Pressler amendment has been inflexible. Let us be glad it has.

Unfortunately, this term is not quite accurate, given the significant flexibility that the law has shown in recent years to allow the following to occur in spite of Pakistan's continued violations of that law: First, the United States still issues licenses to export commercial munitions and spare parts to Pakistan, including spares for Pakistan's nuclear-weapon delivery vehicle, the F–16; second, United States military visits and joint training exercises continue to take place; third, United States aid with respect to agriculture, counterterrorism, nutrition, population control, literacy, advancement of women, health and medicine, environmental protection, disaster relief, and many other areas can continue to flow to Pakistan via nongovernmental organizations; fourth, the Export-Import Bank also has extended loans, grants, and guarantees to Pakistan; fifth, PL–480 agricultural aid continues; sixth, arms control verification assistance continues (a seismic station); seventh, millions of dollars of aid in the ''pipeline'' as of October 1990 was allowed to flow to Pakistan; eighth, cooperation on peacekeeping is continuing; and ninth, Pakistan continues to receive billions of dollars in development assistance via multilateral lending agencies.

Also under this so-called inflexible law, Pakistan has used almost $200 million in FMS credits to fund the purchase of 11 F–16's between fiscal years 1989 and 1993, of which about $150 million were used after the Pressler sanctions were invoked. And the United States continues to review and license exports of dual-use goods and technology to Pakistan.

Milestone 10, ''Today's Debate.'' Which brings us here today: a milestone of its own in the history of United States efforts to grapple with Pakistan's bomb. It is not so much a milestone as a crossroads—do we stand up for a strong nonproliferation policy, or do we tell Pakistan and the rest of the world that proliferation pays, in a big way?

Here we stand, debating a proposal which I think is appropriate to call, ''Operation Deja Vu''—a scheme to ship, under the false flags of ''fairness'' and helping out an old friend, several more hundred million dollars of military equipment to Pakistan. Who knows, the argument goes, it may even lead to some sentiment of good will that may someday serve the cause of nonproliferation. There never was a better illustration a policy based on a triumph of hope over experience, than there has been with respect to United States policies toward Pakistan's bomb.

Why in the world, given the chronology I have just reviewed, should any one Member of this August Chamber believe for a single moment that the delivery of this lethal military gear will have any effect whatsoever on restraining Pakistan's bomb program? Why should we be unconditionally lifting all economic sanctions on Pakistan? Has anybody really even considered the signal such a gesture would send to proliferators around the world?

This gear that we would transfer under this proposal is, by the way, not only lethal, but it could well trigger a regional arms race that would destabilize the whole balance of power in South Asia. The Indian government has already said it would not simply stand by and watch hundreds of millions of dollars in new military gear flow from the United States to Pakistan. We are talking about delivering upgrades for Pakistan's nuclear weapon delivery vehicles. Upgrades for Cobra helicopters. Additional P–3 antisubmarine aircraft. All kinds of tactical missiles: Harpoons, AIMs, TOW's, and battlefield rockets. Over a quarter billion dollars' worth of such items. To say the shipment of these goods will have no political or military consequences in South Asia is simply wrong. But the proposal does not only address new military transfers.

It is the unconditional lifting of economic sanctions, also. The proposal would also lift unconditionally all economic sanctions against Pakistan under the Pressler amendment, even though Pakistan is still in violation of that amendment. It seems reasonable that before we rush off to provide United States Government guarantees for private loans to Pakistan, we should surely first take a close look at the potential risks and costs that will be borne by the American taxpayer who will, under the current proposal, underwrite those hundreds of millions of dollars in private United States investment in Pakistan—a country whose once-impressive leading city is now virtually off-limits to foreign visitors because it has become a battleground of urban terrorism. Editorials in Pakistani newspapers are themselves asking if Pakistan can survive in such a climate of domestic unrest.

Economic aid might also not quite be the peaceful activity that some might believe it is. For years, our intelligence experts have been aware of the potential role that economic assistance can play in assisting a country to acquire the bomb. Then-CIA Director James Woolsey, for example, stated the following in a written reply to a question after a hearing of the Governmental Affairs Committee on February 24, 1993:

> Loans and grants from both bilateral and multilateral aid agencies free money for Pakistan to spend on its nuclear program . . . these untied funds helped finance civilian imports, freeing an equivalent amount of funds to spend on the nuclear program.

No, unconditionally lifting economic sanctions on Pakistan is not a neutral benign act. It is an action that conflicts with, rather than promotes, our nonproliferation goals. Providing such assistance will not give Pakistan a free market. It surely does not have such a market today. Indeed, the Heritage Foundation recently issued a survey called ''The Index of Economic Freedom'' which placed Pakistan's market in the category, ''Mostly Not Free.'' As for foreign economic aid, here is what the study had to say about past aid to Pakistan:

> Much of this aid has been squandered in economically useless projects, and Pakistan has been unwilling to adopt significant economic reforms.

Yet proponents of lifting economic sanctions still seem to believe—despite both facts and reason to the contrary—that this is a great idea. That it will serve our economic interests. That it will discourage proliferation.

All of this I feel is utter nonsense. The aid will only inspire the flow of American tax dollars out of the wallets of U.S. citizens to a country determined to have both the bomb and U.S. aid. I think that is the wrong course to go.

Now to look at the F–16's for a moment.

I have examined the list of items that would be shipped off to Pakistan under this proposal and find that it actually includes upgrades—that is right, reliability upgrades—to the engines for Pakistan's F–16 nuclear weapon delivery vehicles. So here we are, waving

our finger at Pakistan's bomb program, while bending over backward to assist Pakistan directly to deliver such weapons. With due respect to my colleague from Colorado and to a few offices in the Executive who support this scheme, there is simply no justification for such a transfer that serves our nonproliferation interests. None.

I have heard it often said that basic ''fairness'' requires us to deliver this equipment since Pakistan already ''paid'' for it.

What exactly did Pakistan actually pay for? Pakistan surely did not pay cash for all of these goods—a good part of their purchases were financed by United States taxpayers by means of foreign military sales credits, many of them, by the way were used well after sanctions came into effect in October 1990. All of the P–3 aircraft that Pakistan wants to use for antisubmarine operations, for example, had an FMF funding source. In February 1994, I regret to report, Pakistan engaged in joint naval exercises with Iran—by at least one account, P–3 aircraft were used in those exercises. Why are we even considering shipping antisubmarine aircraft to a country that engages in joint military exercises with a terrorist state—not just any run-of-the-mill terrorist state, but a terrorist state that our own Secretary of State has declared is pursuing a crash program to acquire nuclear weapons?

The proposal would also upgrade Pakistan's Cobra helicopters—evidently abandoning our current policy of not upgrading Pakistan's military capabilities. This assistance too is funded by FMF credits. How about tactical missile systems? The Harpoon antiship, TOW missiles, AIM–9L air-to-air missiles, and 2.75-inch rockets in this little package are also funded via the FMF route—presumably these missiles are not exclusively for peaceful purposes, except perhaps by Pakistan's definition of the phrase.

Even many of the engine upgrades for Pakistan's F–16 nuclear weapon delivery vehicle were paid for using FMF money. Eleven of the twenty-eight F–16's that Pakistan ordered, but which could not be delivered due to Pakistan's noncompliance with the Pressler amendment, were financed with FMF money. Recall that of the $199 million available in FMF credits for the eleven planes, Pakistan used only a quarter of these credits by the time sanctions were invoked in October 1990. They used the remaining three-quarters after sanctions were in place. As for the remaining 17 planes, they were paid for in cash—of these payments, however, over $600 million out of a total $658 million were paid by Pakistan after sanctions were invoked in October 1990. In short, they were paying for planes they knew they were not qualified to receive.

Besides the issue of money, why should we help Pakistan to improve its nuclear weapon delivery capability? My staff has brought to my attention a major study performed by Stanford University's distinguished Center for International Security and Arms Control in 1991 entitled, ''Assessing Ballistic Missile Proliferation and Its Control.'' Here is what the Stanford study had to say about Pakistan's F–16's:

> Pakistan is widely believed to have either already developed nuclear warheads or to be on the brink of acquiring them. Pakistani F–16 aircraft could be effective nuclear-delivery vehicles even if Pakistan's nuclear warheads are large and heavy.

Now that quote is significant enough to leave little doubt about the capabilities of this aircraft; indeed, they are nuclear-capable in our own inventory. But it is also interesting that at least three officials of the current administration, including Secretary of Defense Perry, were listed as participants in that study.

I am reminded also of a passage from Seymour Hersh's article in the March 1993 issue of the New Yorker. Writing about the near nuclear war between Pakistan and India in 1990, Hersh writes:

> The American intelligence community noticed an intense increase in Pakistani radar activity early in the year. Earlier reports showed that the Pakistani Air Force, working closely with officials from Pakistan's nuclear-weapons program, had stepped up its F–16 training to practice what seemed to be the dropping of a nuclear bomb. Further intelligence, from Germany, reported that the Pakistanis had designed a nuclear warhead that could be fitted under the wing of an F–16, and that the design had gone through a series of wind-tunnel tests. Pakistan was also reported to have learned to program its in-flight computer system to provide the correct flight path for a nuclear-bomb run.

I ask unanimous consent that several quotes relating to Pakistan's F–16's be printed at the conclusion of my remarks.

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

(See exhibit 4.)

Mr. GLENN. So now we are discussing shipping over some more spare parts for these nuclear weapon delivery vehicles. Here is what Pakistan's federal minister for defense production, Mir Hazar Khan Bijarani, said in an interview in 1992 concerning the various ways the Pressler amendment has been interpreted with respect to Pakistan's F–16's:

> We did face tremendous problems in acquiring spare parts [for F–16's] after the suspension of U.S. military assistance, but now we have overcome this problem as the Americans have lifted [the] ban on commercial sales.

See how this works. First we relax commercial sales of spare parts for Pakistan's nuclear weapon delivery vehicles. And now, here we are debating whether to provide on a government-to-government basis some gear to upgrade Pakistan's nuclear weapon delivery vehicles.

Let us not be blind to what we are proposing to do: after years of fighting for nuclear nonproliferation, the Congress under this proposal would put on the statute books America's first nuclear proliferation law. Rest assured, if this proposal passes, America will not be the only country with other nuclear proliferation laws on their own books. The race will be on to cash in on proliferation, rather than to prevent it. This is an extremely dangerous course and one which the Congress should summarily reject as contrary to the national security interests of the United States. It is an embarrassment to this legislature even to be debating this extremely ill-advised scheme.

WHAT IS FAIR?

I must come back to the basic question: what exactly is fair? Is it fair for Pakistan to have given the United States solemn assurances that it proceeded to break with impunity?

Recently, Prime Minister Bhutto declared during her recent visit to the United States that Pakistan had kept its contract with America. I will repeat this: that Pakistan had kept its contract with America.

Some of us might recall when Prime Minister Bhutto addressed a joint session of Congress back on June 7, 1989, when the Prime Minister solemnly stated the following:

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

Mr. President, that was Pakistan's contract with America. That is what United States taxpayers were being told about Pakistan's bomb program. It is that contract, I submit, that Pakistan has proven so utterly incapable of fulfilling. Yet here we stand, debating fairness. The absurdity of the proposal that is the focus of this debate simply defies description.

I read recently a statement from Mr. John Malott, then the interim director of the State Department's South Asia bureau, which appeared in an AFP wire service report on May 16, 1993. Here is what Mr. Malott had to say about the fairness issue:

> We kept our part of the bargain but Pakistan let us down by crossing the line in 1990 . . . we had promised Pakistan billions and billions of dollars if that line was not crossed.

So much for what is fair. Mr. Malott put it exactly right: Pakistan broke its contract with America. It is now paying a price that should only go up with time, not down. To lower the price of proliferation is to condone proliferation. That is not our policy. That is not our domestic law. That is not at all consistent with our solemn international treaty commitments. That is how we should want other countries to treat proliferants.

Mr. President, I want to restate very briefly the theme I used in starting out. This is not about fairness. We have been fair. Pakistan has been unfair with us.

The issue here is, are we serious about nonproliferation in the world? Are we a world leader in nonproliferation or are we not? Do we have a proliferation policy or is it one that only

comes out for press conference purposes or at time of political campaigns?

We took the lead in getting 178 nations to sign the nonproliferation treaty. They put their trust in us. They also trusted that there would be sanctions against people who were not willing to cooperate, if they were egregious violators of what we thought was right.

We have seen Pakistan be the most egregious violator. We have seen them be uncooperative with regard to nuclear matters. They have not joined NPT. They have not gone by NPT rules. They have violated every norm of diplomatic behavior in telling us things that were not true and that we knew were not true. I do not think that kind of mendacity should be rewarded by sending the material that is proposed by the amendment.

These have been nothing but untruths told to us through the years, over and over again. I will not read those off again. It seems to me, if we are to deserve the trust of the nations that signed up under NPT and followed our leadership, then I believe we must refuse to approve this amendment. I know the Senator from California will have a proposal in the morning for a substitute amendment and we will look at it in the morning and see whether we feel we can support it or not. But as for the amendment we are debating tonight, it is one I just cannot support and I urge my colleagues not to support it.

EXHIBIT 1

U.S. AID POLICIES AND PAKISTAN'S BOMB: WHAT WERE WE TRYING TO ACCOMPLISH?

Letters to Congress from Presidents Reagan & Bush, 1985–1989, required under Sec. 620E(e) of Foreign Assistance Act (Pressler Amendment):

''The proposed United States assistance program for Pakistan remains extremely important in reducing the risk that Pakistan will develop and ultimately possess such a device. I am convinced that our security relationship and assistance program are the most effective means available for us to dissuade Pakistan from acquiring nuclear explosive devices. Our assistance program is designed to help Pakistan address its substantial and legitimate security needs, thereby reducing incentives and creating disincentives for Pakistani acquisition of nuclear explosives.''—President George Bush, 10/5/89; President Ronald Reagan, 11/18/89; 12/17/87; 10/27/86; & 11/25/85.

President George Bush, letter to Congress (addressed to J. Danforth Quayle as President of the Senate), 12 April 1991, urging abandonment of Pressler certification requirement:

''. . . my intention is to send the strongest possible message to Pakistan and other potential proliferators that nonproliferation is among the highest priorities of my Administration's foreign policy, irrespective of whether such a policy is required by law.''

Deputy Assistant Secretary of State Teresita Schaffer, testimony before House subcommittee, 2 August 1989:

''None of the F–16's Pakistan already owns or is about to purchase is configured for nuclear delivery . . . a Pakistan with a credible conventional deterrent will be less motivated to purchase a nuclear weapons capability.''

Deputy Assistant Secretary of Defense Arthur Hughes, testimony before House subcommittee, 2 August 1989:

''Finally, we believe that past and continued American support for Pakistan's conventional defense reduces the likelihood that Pakistan will feel compelled to cross the nuclear threshold.''

Deputy Assistant Secretary of State Robert Peck, testimony before House subcommittee, 17 February 1988:

''We believe that the improvements in Pakistan's conventional military forces made possible by U.S. assistance and the U.S. security commitment our aid program symbolizes have had a significant influence on Pakistan's decision to forego the acquisition of nuclear weapons.''

Special Ambassador at Large Richard Kennedy, testimony before two House subcommittees, 22 October 1987:

''We have made it clear that Pakistan must show restraint in its nuclear program if it expects us to continue providing security assistance.''

Assistant Secretary of State Richard Murphy, testimony before Senate subcommittee, 18 March 1987:

''Our assistance relationship is designed to advance both our non-proliferation and our strategic objectives relating to Afghanistan. Development of a close and reliable security partnership with Pakistan gives Pakistan an alternative to nuclear weapons to meet its legitimate security needs and strengthens our influence on Pakistan's nuclear decision making. Shifting to a policy of threats and public ultimata would in our view decrease, not increase our ability to continue to make a contribution to preventing a nuclear arms race in South Asia. Undermining the credibility of the security relationship with the U.S. would itself create incentives for Pakistan to ignore our concerns and push forward in the direction of nuclear weapons acquisition.''

Deputy Assistant Secretary of State Howard Schaffer, testimony before House subcommittee 6 February 1984:

''The assistance program also contributes to U.S. nuclear non-proliferation goals. We believe strongly that a program of support which enhances Pakistan's sense of security helps remove the principal underlying incentive for the acquisition of a nuclear weapons capability. The Government of Pakistan understands our deep concern over this issue. We have made clear that the relationship between our two countries, and the program of military and economic assistance on which it rests, are ultimately inconsistent with Pakistan's development of a nuclear explosive device. President Zia has stated publicly that Pakistan will not manufacture a nuclear explosives device.''

Special Ambassador at Large Richard Kennedy, testimony before two House subcommittees, 1 November 1983:

''By helping friendly nations to address legitimate security concerns, we seek to reduce incentives for the acquisition of nuclear weapons. The provision of security assistance and the sale of military equipment can be major components of efforts along these lines. Development of security ties to the U.S. can strengthen a country's confidence in its ability to defend itself without nuclear weapons. At the same time, the existence of such a relationship enhances our credibility when we seek to persuade that country to forego [sic] nuclear arm...We believe that strengthening Pakistan's conventional military capability serves a number of important U.S. interests, including non-proliferation. At the same time, we have made clear to the government of Pakistan that efforts to acquire nuclear explosives would jeopardize our security assistance program.''

Statement by Deputy Assistant Secretary of State Harry Marshall, 12 September 1983, before International Nuclear Law Association, San Francisco.

''U.S. assistance has permitted Pakistan to strengthen its conventional defensive capability. This serves to bolster its stability and thus reduce its motivation for acquiring nuclear explosives.''

President Ronald Reagan, Report to Congress pursuant to Sec. 601 of the Nuclear Nonproliferation Act (''601 Report''), for calendar year 1982:

''Steps were taken to strengthen the U.S. security relationship with Pakistan with the objective of addressing that country's security needs and thereby reducing any motivation for acquiring nuclear explosives.''

''President Ronald Reagan, Report to Congress pursuant to Sec. 601 of the Nuclear Nonproliferation Act (''601 Report''), for calendar year 1981:

''Military assistance by the United States and the establishment of a new security relationship with Pakistan should help to counterpart its possible motivations toward acquiring nuclear weapons...Moreover, help from the United States in strengthening Pakistan's conventional military capabilities would offer the best available means for counteracting possible motivations toward acquiring nuclear weapons.''

Assistant Secretary of State James Malone, address before Atomic Industrial Forum, San Francisco, 1 December 1981:

''We believe that this assistance—which is in the strategic interest of the United States—will make a significant contribution to the well-being and security of Pakistan and that it will be recognized as such by that government. We also believe that, for this reason, it offers the best prospect of deterring the Pakistanis from proceeding with the testing or acquisition of nuclear explosives.

Undersecretary of State James Buckley, testimony before Senate Foreign Relations committee, 12 November 1981:

''We believe that a program of support which provides Pakistan with a continuing relationship with a significant security partner and enhances its sense of security may help remove the principal underlying incentive for the acquisition of a nuclear weapons capability. With such a relationship in place we are hopeful that over time we will be able to persuade Pakistan that the pursuit of a weapons capability is neither necessary to its security nor in its broader interest as an important member of the world community.''

Testimony of Undersecretary of State James Buckley, in response to question from Sen. Glenn, Senate Foreign Relations Committee, 12 November 1981, on effects of a nuclear detonation on continuation of cash sales of F–16's:

''[Sen Glenn]...so if Pakistan detonates a nuclear device before completion of the F–16 sale, will the administration cut off future deliveries?

''[Buckley] Again, Senator, we have underscored the fact that this would dramatically affect the relationship. The cash sales are part of that relationship. I cannot see drawing lines between the impact in the case of a direct cash sale versus a guaranteed or U.S.-financed sale.''

Undersecretary of State James Buckley, letter to NY times, 25 July 1981:

''In place of the ineffective sanctions on Pakistan's nuclear program imposed by the past Administration, we hope to address through conventional means the sources of insecurity that prompt a nation like Pakistan to seek a nuclear capability in the first place.''

EXHIBIT 2

PAKISTAN'S PEACEFUL NUCLEAR ASSURANCES: 1979–1995

''[Pakistan's government has] . . . summarily rejected as false the charge that Pakistan was developing its nuclear program with assistance from or in partnership with Libya or any other country.''—Pakistani Foreign Ministry Spokesman, NY Times, 4/9/79.

''Pakistan has not sought or obtained financial assistance from Libya or any other country for its nuclear program.''—Pakistan Embassy, Pakistan Affairs, 6/16/80.

''Pakistan's nuclear development programme is solely for peaceful purposes and it has no plans to make nuclear weapons.''—Qutubuddian Aziz, Pakistan Embassy in UK, London Sunday Times, 2/1/81.

''I was assured by the ministers, I was assured by the President [Zia] himself that it is not the intention of the Pakistani Government to develop nuclear weapons.''—Under Secretary of State James Buckley, congressional hearing, 6/24/81.

Senator JOHN GLENN. ''. . . is it your view that we should go ahead with the arms sale to Pakistan without assurances that they are not in a [nuclear] weapons production mode?''

Under Secretary BUCKLEY. ''That assurance was given . . . by the Pakistani government.''—Under Secretary of State James Buckley, congressional hearing, 6/24/81.

''I say that Pakistan's nuclear technology will not be given to any other nation. We will work, we will borrow, and we will beg for this technology. God willing we will never pass it to any other nation.''—President Zia-Ul-Haq, interview published in Turkish Hurriyet, 11/25/81.

''You know, Pakistan is engaged and will strive to acquire nuclear technology for peaceful purposes. But Pakistan has neither the capability nor the intention of making an atomic bomb . . . in no circumstances.''—President Zia-Ul-Haq, after meeting with President Mitterrand, Reuters, 1/26/82.

''We, too, are engaged in a nuclear programme, with the sole aim of finding a viable alternate to the traditional sources of energy, which are in scarce supply in Pakistan. Despite our repeated assurances, however, there has been an orchestrated campaign to malign us by falsely attributing to our peaceful programme a nonexistent military dimension.''—President Zia-Ul-Haq, address at US National Press Club, 12/8/82.

''The Pakistan side reiterated that Pakistan was not interested in the manufacture or acquisition of nuclear weapons. . . . We accept that the President of Pakistan is telling us the truth.''—U.S. official, after meeting between Presidents Zia and Reagan, NY Times, 12/8/82.

''[President Zia] . . . stated very emphatically that it is not the intention of Pakistan to develop nuclear weapons and that it is not doing so.''—Sen. Charles McC. Mathias, Washington Post, 12/8/82.

''. . . I would like to state once again, and with all the emphasis at my command, if I have that, that our on-going nuclear programme has an exclusively peaceful dimension and that Pakistan has neither the means nor, indeed, any desire to manufacture a nuclear device. I thrust [sic] that this distinguished gathering will take note of my assurance, which is given in all sincerity and with a full sense of responsibility.''—President Zia-Ul-Haq, address before Foreign Policy Association, 12/9/82.

''In our opinion, there is no such thing as a peaceful [nuclear] device or a nonpeaceful device. It's like a sword. You can cut your throat; you can save yourself. We are planning neither.''—President Zia-Ul-Haq, Meet the Press, 12/12/82.

''. . . I hereby certify that I have reliable assurances that Pakistan will not transfer sensitive United States equipment, materials, or technology in violation of agreements entered into under the Arms Export Control Act to any communist country, or to any country that receives arms from a communist country.''—President Ronald Reagan, Presidential Determination 83–4, 1/3/83.

''The Government of Pakistan understands our deep concern over this issue [Pakistan's pursuit of nuclear weapons]. We have made clear that the relationship between our two countries, and the program of military and economic assistance on which it rests, are ultimately inconsistent with Pakistan's development of a nuclear explosives device. President Zia has stated publicly that Pakistan will not manufacture a nuclear explosives device.''—Deputy Assistant Secretary of State Howard Shaffer, congressional testimony, 2/6/84.

''I must make one thing absolutely clear: contrary to the mischievous foreign propaganda, no foreign country has given financial or technical aid to us in this [nuclear] field . . . The 'Islamic bomb' is a figment of the Zionist mind . . .''.—Dr. Abdul Qadeer Khan, Pakistan's top nuclear scientist, interview published 2/10/84.

''Pakistan has stated time and again that it has absolutely no intention of using nuclear technology for military purposes.''—President Zia-Ul-Haq, address on 7/10/84.

''Pakistan does not deny that it has a research and development program on uranium enrichment at Kahuta. But it is of a modest scale and is designed entirely for acquiring technology to meet Pakistan's future power generation requirements based on light water reactors . . . Pakistan has no team for designing nuclear weapons . . . Pakistan has never used Turkey as a channel for the import of materials from French or West German companies. Nor has it imported uranium from Libya . . . It was established long ago that Libya was not giving Pakistan any assistance for its nuclear program. Similarly, the allegation of Saudi help is also without foundation. For its non-existent nuclear weapons program Pakistan has neither sought nor has it received assistance from China.''—Information Division, Embassy of Pakistan, July 1984.

''We have repeatedly declared that our nuclear energy program has an exclusively peaceful dimension and that we have no intention of acquiring or manufacturing nuclear weapons . . . The allegation of any nuclear cooperation between Pakistan and China has been rejected by both countries . . .''—Foreign Minister Sahabzada Yaqub Kahn, Islamabad, 7/28/84.

''We are now approaching the end of 1984, but the dread explosion of imaginary Pakistani nuclear device is nowhere in sight. What could be a more convincing proof of the sincerity of Pakistan's repeated assurances that its program is not weapon-oriented?''—Iqbal Butt, Minister of Information, Embassy of Pakistan, Washington Post, 8/30/84.

''I have no fears at all that [American] aid will be stopped. The relationship is based on trust and I have said we are not building a nuclear bomb.''—President Zia-Ul-Haq, interview with AP, 8/12/84. (Pakistan Affairs, 9/1/84).

''As we have repeatedly stated, we have assurances from the Pakistani government that its nuclear power program is entirely peaceful in intent and that it does not seek to acquire nuclear explosives of any kind.''—State Department spokesman John Hughes, quoted by AP, 10/25/84.

''We accepted President Zia-Ul-Haq's categorical statement that Pakistan's nuclear program is devoted entirely to power generation.''—US Ambassador at Large Richard Kennedy, 11/2/84, in Pakistan Affairs, 12/1/85.

''US officials say the letter [from President Reagan to President Zia] warned Zia not to process uranium at the controversial Kahuta plant outside Islamabad beyond 5 per cent enrichment . . . Zia's letter [of reply] gave assurances that Pakistan would respect the new marker . . . Other markers previously communicated to Pakistan include not testing a bomb, not reprocessing plutonium . . . not assembling a bomb, and not asking another country to test a device on Pakistan's behalf . . .''—Simon Henderson, London Financial Times, 12/7/84.

''. . . our [nuclear] programme is for our own resources to be generated. It is not for any atomic bomb or any other purpose.''—Prime Minister Mohammad Khan Junejo, interview, 6/14/85.

''The Government of Pakistan and its President have repeatedly declared that Pakistan would not produce nor acquire nuclear weapons, and that our research programme is for purely peaceful purposes.''—Ali Arshad, Embassy of Pakistan in UK, London Times, 9/27/85.

''I take this opportunity to reaffirm Pakistan's policy of developing nuclear energy for peaceful purposes only and its irrevocable commitment not to acquire nuclear weapons or nuclear explosive devices. Pakistan has neither the capability nor the desire to develop nuclear weapons.''—President Zia-Ul-Haq, Address before UN General Assembly, 10/23/85.

''As for the Kahuta laboratory, it has been clarified time and again at the highest political level that the modest exercise there in uranium enrichment is on a research and development scale. It is solely motivated by a desire to achieve a degree of self-reliance in the front end of the nuclear fuel cycle, that is, a 3-percent enrichment of uranium.''—Leaflet from Information Division, Embassy of Pakistan, October 1985.

''Let me add here, Mr. Chairman, President Zia has, in fact, given the most unequivocal assurances on the question of a nuclear explosives program. He has stated there will be no such explosives program completed and that he understands fully the concerns which we have expressed to him and respects those concerns.''—Ambassador Richard Kennedy, congressional testimony on 4/10/86.

''Dr. [Abdul Qadeer Khan] noted that President Zia ul-Haq had made a commitment to the U.S. not to enrich beyond 5 per cent and said ''we are keeping to it.''—Simon Henderson, interview with Dr. A.Q. Khan, Financial Times, 7/16/86.

''[Prime Minister Junejo reportedly assures U.S. senators that Pakistan is] . . . abiding by the guidelines'' established by the U.S. and specifically that Pakistan is keeping components separate.''—Don Oberdorfer, Washington Post, 7/17/86. [Oberdorfer wrote that Junejo appeared to be referring to Reagan's September 1984 letter asking Pakistan's to limit its uranium enrichment level at 5 percent, Oberdorfer added that ''Earlier U.S. messages to Pakistan reportedly included a warning not to assemble components in a way that would create a bomb.'']

''The prime minister [Junejo] confirmed that Pakistan pledged in response to a 1984 letter from Reagan not to enrich uranium in its nuclear facilities to a level higher than 5 percent.''—Interview with Prime Minister Mohammad Khan Junejo, Washington Post, 7/18/86.

''Ours is a modest research programme. Its aim is to acquire fuel production capability for the reactors we need to meet our energy requirements. I reiterate here that Pakistan has no intention to produce nuclear weapons. We do not posses the capability and the resources.''—Prime Minister Mohammad Khan Junejo, Foreign Policy Association, 7/21/86.

''[On U.S. concerns about Pakistan's bomb program] This matter has been raised between us and the United States for the last eight years. I have convinced them that we are using nuclear energy only for peaceful purposes.''—President Zia-Ui-Haq, Interview, 8/23/86.

''President Reagan in late 1984 told Pakistani President Mohammed Zia ul-Haq in a top-secret letter that 5 percent would be the highest enrichment level acceptable to the United States.''—Bob Woodward, Washington Post, 11/4/86.

''In an interview with the Post on July 18, [Prime Minister] Junejo confirmed that Pakistan had pledged, in response to a 1984 letter from Reagan, not to enrich uranium in its nuclear facilities to a level higher than 5 percent.''—Washington Post, 11/5/86.

''Pakistan does not have and is not producing highly enriched uranium necessary for a nuclear explosive device . . . the enrichment level has remained well within limits of the research and development program for fuel.''—Pakistani Foreign Secretary Abdul Sattar, Washington Post, 11/5/86.

''Pakistan has renounced for itself the military use of nuclear energy and has used this energy only in pecaeful fields.''—President Zia-Ul-Haq, Interview, 1/29/87.

''A Foreign Office spokesman said in Islamabad today that Pakistan's nuclear program is of a peaceful nature and this fact has been proved during the last 6 or 7 years.''—Karachi Domestic Service radio broadcast, 2/11/87.

Senator SASSER. ''Have the Pakistanis pledged not to continue illegal purchases of nuclear equipment or technology from the United States?''

Ambassador RICHARD KENNEDY. ''Yes sir, they have indicated which this is something which they understand is against the law and we have brought to their attention the law and its proscription.''—Hearing, Senate Committee on Governmental Affairs, 2/25/87.

''As I so often publicly stated, Pakistan's enrichment research is solely aimed at the development of fuel-grade uranium for our future power reactors. The Government of Pakistan has made it abundantly clear that it has no desire to produce nuclear weapons.''—Dr. Abdul Qadeer Khan, Pakistan's top nuclear scientist, NY Times, 3/2/87.

''The minister in charge for science and technology, Mr. Wasim Sajjad, categorically stated in the National Assembly today that Pakistan does not possess an atomic bomb, has no desire to have a bomb, and it cannot afford to manufacture and atomic bomb.''—Karachi Overseas Service broadcast, 3/5/87.

''No power on Earth can deter us from pursuing our peaceful nuclear program because our conscience is clear and our aim is peaceful.''—Pakistani Minister of State for Foreign Affairs, Zain Noorani, AP, 3/9/87.

''. . . we believe in nonproliferation, and our nuclear research is, therefore, devoted entirely to peaceful purposes . . . the president and prime minister of Pakistan have repeatedly expressed their commitment to nonproliferation . . .''—Pakistani Ambassador Jamsheed Marker, Washington Post, 3/1/87.

''We are not producing Atomic weapons nor intend to do so, but we shall continue to develop our nuclear capabilities for peaceful purposes no matter whether any of our friends likes it or not.''—Pakistani Minister of State for Foreign Affairs, Zain Noorani, statement, 3/16/87.

''. . . Pakistan has not enriched its uranium above the normal grade level required for peaceful purposes.''—President Zai-Ul-Haq, Time, 3/23/87.

''Pakistan has neither the desire, nor the intention, nor the capacity to develop a nuclear weapon . . . We have the ability to enrich uranium, but only below 5 percent, so it can only be used for power generation.'' [The article continued: ''Zia said he had made a written commitment to President Reagan that Pakistan would not embarrass the United States and he would not go back on this gentleman's agreement'']—Pakistani President Zia-Ul-Haq, Interview in Defense Week, 4/6/87.

President ZIA. ''We are honorable people, and when President Reagan wrote this [a certification in October 1986 that Pakistan does not possess the bomb], I gave him my assurances. When Prime Minister Junejo visited the United States of America early this, last year, he gave him the same assurances. And we will give him the assurances, with the word, that Pakistan's word is to be honored . . .''

Mr. MCLAUGHIN. ''. . . is it safe for him [Reagan] to say that . . . by giving you the aid, he is going to, in effect, discourage you from moving on to develop the nuclear bomb?''

President ZIA. ''According to the American thinking, he is just, and perfect and correct.''

Mr. MCLAUGHLIN. ''What about Pakistani thinking?''

President ZIA. ''Exactly the same, because we have no intention of developing a nuclear device.''

Mr. MCLAUGHLIN. ''How does it follow if he gives you the aid you will be disinclined to develop the bomb?''

President ZIA. ''Why do you want to have a bomb? To ensure security, to create a deterrent, to have our own defensive means. If we have it otherwise, why should Pakistan indulge in the proliferation, against which Pakistan on principle is opposed to?''

Mr. MCLAUGHLIN. [Asks if Pakistan is building the bomb by just producing all the components without assembling them.]

President ZIA. ''Nonsense. False. Totally false. When Pakistan does not have the intention or the urge and desire to have a nuclear device, why should we have——

Mr. MCLAUGHLIN. ''Why is this development going on?''

President ZIA. ''Our effort is only in the technical field, for peaceful purposes. They are just enriching uranium to a particular degree. That's all.''—President Zia-Ul-Haq, McLaughlin ''One on One,'' 6/15/87.

''No agency of the [Pakistan] government placed any order for this steel and no evidence has so far been brought to our knowledge that even any private company in Pakistan is responsible for this order.''—Pakistani foreign office spokesman, commenting about a recent US Customs sting operation, UPI, 7/16/87.

''. . . the Pakistan government has provided assurances both certainly in public as well as in private that it is not enriching [uranium] above 5 percent.''—Deputy Assistant Secretary of State Robert Peck, congressional testimony, 7/22/87.

''Pakistan's verifiable compliance with [its] past commitments is vital to any further United States military assistance.''—Text of S. Res. 266, passed the Senate by unanimous consent on 7/31/87.

''The time has come [for Pakistan] to choose. If it wants to build nuclear weapons, under US law, it cannot have US foreign assistance. It is time for the Government of Pakistan to take concrete action to bring its nuclear program in line with its assurances.''—Sen. Robert Byrd, Congressional Record, 7/31/87.

''[In passing S. Res. 266 Congress was] . . . simply calling upon the Government of Pakistan to make good on promises which it has already extended in the past years.''—Sen. Gordon Humphrey, Congressional Record, 7/31/87.

''[America and Pakistan] . . . share an overriding mutual interest that can best be promoted by Pakistan's decision to comply with this own stated policy for peaceful nuclear development.''—Sen. Bill Bradley, Congressional Record 7/31/87.

''Pakistan must be made to understand that the United States is to keep its commitments.''—Sen. Claiborne Pell, Congressional Record 7/31/87.

''. . . It is essential at a minimum that our allies, and especially the recipients of US economic and military assistance, understand that the United States expects reasonable commitments concerning non-proliferation.''—Sen. Jesse Helms, Congressional Record 7/31/87.

''Mr. Armacost [US Under Secretary of State] also stressed the importance of Pakistan's compliance, with their assurance not to enrich uranium about the five percent level.''—State Department spokesman Charles Redman, press briefing, 8/10/87.

''We are enriching uranium in very small quantities, meant only for peaceful purposes.''—Minister of State for Foreign Affairs, Zain Noorani, interview on 8/27/87.

''Pakistan, let me reiterate, is against the spread of nuclear weapons in South Asia.''—Foreign Minister Yaqub Khan, speech in Islamabad, 9/1/87.

''The bogey of 'the Islamic bomb' was made up in countries that mean harm to Islam and Pakistan . . . We have neither the intention nor the capability to produce a nuclear weapon . . . Our [nuclear] technology has no military dimension . . . we have stated many times that we do not possess a bomb.''—President Zia-Ul-Haq, interview published on 10/3/87 Jordan.

''I have said in that past that we are not manufacturing a bomb. We are using nuclear technology for peaceful purposes . . . [Pakistan and Turkey] are not cooperating on the manufacture of a bomb. The Jewish lobby is probably behind such reports.''—President Zia-Ul-Haq, interview published on 10/4/87 in Turkey.

''We gave [the United States nonproliferation] commitments at an earlier stage and as an elected government I will only go further'' [if India gives commitments also].—Prime Minister Mohammed Khan Junejo, interview in Washington Post, 10/13/87.

Ambassador KENNEDY. ''. . . Pakistan has assured us that they were conducting their [nuclear] program wholly for peaceful purposes . . . they have told us that they are renouncing nuclear explosives of any kind . . . and as to their enrichment facility, they have indicated that it is devoted to producing material at low enrichment levels for peaceful purposes only . . . [and] they have indicated that they would not undertake any testing . . .''

Mr. SOLARZ. ''Have they also given us some assurances that they are not and do no intend to enrich uranium over the five percent level?''

Ambassador KENNEDY. ''The president [Zia] has stated that publicly . . .''

Mr. SOLARZ. ''I have the impression that position is also being conveyed directly to President Reagan by President Zia.''

Ambassador KENNEDY. ''The same kind of statement . . .''

Mr. WOLPE. ''Are they not continuing to enrich uranium beyond the 5-percent level . . . In blatant violation of their own expressed explicit commitment to President Reagan?''

Ambassador KENNEDY. ''That may well be, and we are concerned about that, and it is precisely because of that, we are exerting all kinds of pressure on them.''—Ambassador Richard Kennedy, congressional testimony, 10/22/87.

''Pakistan . . . is not for a nuclear device, and I can assure you we will not embarrass

the U.S. by suddenly producing one . . . The truth is that we don't have a device and we are not building one . . .''—President Zia-Ul-Haq, interview published in Washington Time, 11/16/87.

''[Pakistan has neither] . . . the capability nor the intention'' to produce nuclear weapons.—President Zia-Ul-Haq, interview published in Wall Street Journal, 12/1/87.

''In his interview . . . Zain Noorani reiterated that Pakistan's atomic program is totally peaceful and its objective is to make the country self reliant in energy resources by 2000 AD.''—Minister of State for Foreign Affairs Zain Noorani, Islamabad Domestic Service broadcast, 1/9/88.

''I am aware of your abiding interest in and strong commitment to, nuclear non-proliferation. We share these concerns, for Pakistan has unequivocally committed itself to nuclear non-proliferation.''—Letter from Pakistani Ambassador Jamsheed Marker to Sen. John Glenn, 1/20/88.

''The Pakistan government has not modified its position that its uranium enrichment activities are strictly peaceful and that it will not enrich uranium above the 5% level, nor has it given any new assurances with respect to its enrichment activities.''—Deputy Assistant Secretary of State Robert Peck, congressional testimony, 2/17/88.

''In August [1984], President Reagan drafted a letter to Zia warning Pakistan not to cross 'the red line' of enriching uranium above 5 percent . . . the President's letter, sent on Sept. 12 . . . [warned] that if Zia crossed the 5 percent 'red line,' he would face unspecified 'grave consequences.' In November 1984 . . . President Zia gave written assurances to Reagan that the American limit would be respected.''—Hedrick Smith, ''A Bomb Ticks in Pakistan,'' NY Times Magazine, 3/16/88.

''Perhaps the [US] effort was to stop us from that enrichment program. Having seen that Pakistan has gone and succeeded, the best thing now is to enjoy and relax.'' [Zia reportedly also stated that Pakistan does not have a nuclear weapon or a program to build one.]—President Zia-Ul-Haq, interview in Wall Street Journal, 4/26/88.

''Pakistan's commitment to nuclear non-proliferation is firm and unwavering . . . Pakistan does not possess nuclear weapons, nor does it intend to possess them. We have not carried out a nuclear explosion nor do we intend to conduct one. Our nuclear programme is emphatically peaceful in nature. Indeed, we are firm in our resolve to keep our area free from all nuclear weapons.''—Pakistan's UN Ambassador S. Shah Nawaz, address before UN General Assembly, 6/13/88.

''Pakistan's nuclear programs are peaceful and do not represent a threat to any other nation in the region. Pakistan has repeatedly declared, at the highest levels of our government, that we do not possess, and have no intention of developing, a nuclear weapon.''—Letter from Pakistani Ambassador Jamsheed Marker to Sen. John Glenn, 8/4/88.

''We don't want any controversy [with the US] on the nuclear issue . . . We want it clear beyond doubt that we're interested only in energy, not nuclear weapons.''—Opposition leader Benazir Bhutto, Washington Post, 11/19/88, shortly before becoming Prime Minister.

''We believe in a peaceful [nuclear] program for energy purposes and nothing else.''—Opposition leader Benazir Bhutto, interview in Time, 11/28/88.

''I can tell you with confidence that there is no bomb programme in Pakistan . . . There is no bomb programme . . . there is no bomb programme.''—Prime Minister Benazir Bhutto, interview in Calcutta *Telegraph*, 12/14/88.

''We're committed to a peaceful energy program. We don't have any [nuclear] weapons policy . . . Pakistan doesn't have any intention to get a nuclear device or a nuclear weapon.''—Prime Minister Benazir Bhutto, interviewed on ''McNeil/Lehrer,'' 12/16/88.

''Talking to a visiting American [congressional] delegation . . . President Ghulam Ishaq Khan stated categorically that Pakistan's nuclear program was designed purely for peaceful purposes and that Pakistan had no intention to build or acquire nuclear weapons.''—Islamabad Domestic Services broadcast, 1/16/89.

''It is right to say that we are one of the 'threshold' states . . . We have deliberately chosen not to take the final step, to build a bomb and test it, because we don't think it is right.''—Pakistani Ambassador Jamsheed Marker, quoted in Washington Times, 2/8/89.

''We manufactured small reactors and built nuclear power plants. However, we have never considered this for military purposes.''—Minister of State for Defense Ghulam Sarwar Cheema, in Istanbul Hurriyet, 5/4/89.

''The Pakistan delegate, Mr. Mirza Javed Chauhan, told the [UN] Disarmament Commission that Pakistan does not possess nuclear weapons, nor does it have any intention to do so.''—Islamabad Domestic Service broadcast, 5/10/89.

''Speaking for Pakistan, I can declare that we do not possess nor do we intend to make a nuclear device. That is our policy.''—Prime Minister Benazir Bhutto, address before Joint Session of US Congress, 6/7/89.

''. . . Bhutto promised during her visit that Pakistan will not produce 'weapons-grade uranium' . . . or take the final step to assemble a nuclear device.''—Washington Post, 6/15/89.

''Pakistan has not, nor do we have any intention of putting together or making, a bomb, or taking it to the point where you can put it together.''—Prime Minister Benazir Bhutto, New York Times, 7/10/89.

''Pakistani Prime Minister Benazir Bhutto on Sunday flatly denied speculation that her country is developing nuclear weapons. She said in an interview with a British television network that Pakistan will never possess such weapons in the future.''—Reported by Kyodo News Service, 7/10/89.

''We do have the knowledge but I think there is a difference between knowledge and capability . . . So we do have a knowledge, if confronted with a threat, to use . . . But we do not in the absence of any threat intend to use that knowledge . . . In fact, as matter of policy my government is firmly committed to nonproliferation.''—Prime Minister Benazir Bhutto, quoted by AFP, 8/29/89.

''It is true that Pakistan has certain knowledge in the nuclear field but it has no intention of using this knowledge . . . To put it another way, we do not want to convert this knowledge into—shall we say—a nuclear capability at the present time.''—Prime Minister Benazir Bhutto, interview in Die Welt, as quoted by Reuters, 10/22/89.

''There was a [nuclear weapons] capability in 1989 when the present Government came to power, and that means we could have moved forward in an unwise direction . . . But we didn't. Instead, we froze the program.''—Pakistani Foreign Secretary Shahryar Khan, NY Times, 2/8/92.

''We kept our part of the bargain but Pakistan let us down by crossing the line in 1990 . . . We had promised Pakistan billions and billions of dollars if that line was not crossed.''—John Malott, interim director of State Department South Asia Bureau, AFP, 5/16/93.

''India is the nuclear delinquent in the region while Pakistan has always been exercising restraint . . . [Pakistan] does not possess a nuclear explosive device and does not intend to make one.''—Pakistani Foreign Minister Assef Ahmed Ali, quoted in AFP, 11/28/93.

''We are a very responsible country, and we do not believe in the proliferation of nuclear weapons.''—Pakistani Foreign Minister Assef Ahmed Ali, quoted in Washington Times, 8/25/94.

''I want to say categorically and finally that Pakistan has not made nuclear weapons . . . Pakistan does not intend to make nuclear weapons.''—Pakistani Foreign Minister Assef Ahmed Ali, quoted in New York Times, 8/25/94.

''We have made a sovereign decision not to produce nuclear weapons.''—Munir Akram, foreign ministry spokesman, Washington Times, 8/25/94.

''We have neither detonated one, nor have we got nuclear weapons . . . being a responsible state and a state committed to non-proliferation, we in Pakistan, through five successive governments have taken a policy decision to follow a peaceful nuclear program.''—Prime Minister Benazir Bhutto, interview with David Frost on PBS, 11/18/94.

''. . . Pakistan has not acquired the [nuclear-capable] M–11 or any other missile from China that violates the Missile Technology Control Regime . . .''.—Press Release, Information Division, Pakistan Embassy, 7/27/95.

Senator BROWN. ''Did we have an agreement with the Pakistani government that in return for the assistance we provided, that they would not develop nuclear weapons? Was that a condition for our cooperation with them in the late 1980's?''

Assistant Secretary RAPHEL: ''The short answer to that is no. There was no such explicit agreement . . . there was no explicit quid pro quo there.''—Testimony of Assistant Secretary of State Robin Raphel, South Asia subcommittee of Senate Foreign Relations Committee, 9/14/95.

EXHIBIT 3

FROM MYTH TO REALITY: EVIDENCE OF PAKISTAN'S ''NUCLEAR RESTRAINT''

Early 1980's—Multiple reports that Pakistan obtained a pre-tested, atomic bomb design from China.

Early 1980's—Multiple reports that Pakistan obtained bomb-grade enriched uranium from China.

1980—U.S. nuclear export control violation: Reexport via Canada (components of inverters used in gas centrifuge enrichment activities).

1981—U.S. nuclear export control violation: New York, zirconium (nuclear fuel cladding material).

1981—AP story cites contents of reported U.S. State Department cable stating ''We have strong reason to believe that Pakistan is seeking to develop a nuclear explosives capability . . . Pakistan is conducting a program for the design and development of a triggering package for nuclear explosive devices.''

1981—Publication of book, Islamic Bomb, citing recent Pakistan efforts to contruct a nuclear test site.

1982/3—Several European press reports indicate that Pakistan was using Middle Eastern intermediaries to acquire bomb parts (13-inch ''steel spheres'' and ''steel petal shapes'').

1983—Recently declassified U.S. government assessment concludes that ''There is unambiguous evidence that Pakistan actively pursuing a nuclear weapons development program . . . We believe the ultimate application of the enriched uranium produced at Kahufa, which is unsafeguarded, is clearly nuclear weapons.''

1984—President Zia states that Pakistan has acquired a ''very modest'' uranium enrichment capability for ''nothing but peaceful purposes.''

1984—President Reagan reportedly warns Pakistan of ''grave consequences'' if it enriches uranium above 5%.

1985—ABC News reports that U.S. believes Pakistan has ''successfuly tested'' a ''firing mechanism'' of an atomic bomb by means of a non-nuclear explosion, and that U.S. Krytrons ''have been acquired'' by Pakistan.

1985—U.S. nuclear export control violation: Texas, Krytrons (nuclear weapon triggers).

1985—U.S. nuclear export control violation: U.S. cancelled license for export of flash x-ray camera to Pakistan (nuclear weapon diagnostic uses) because of proliferation concerns.

1985/6—Media cites production of highly enriched, bomb-grade uranium in violation of a commitment to the U.S.

1986—Bob Woodward article in Washington Post cites alleged DIA report saying Pakistan ''detonated a high explosive test develop between Sept. 18 and Sept. 21 as part of its continuing efforts to build an implosion-type nuclear weapon''; says Pakistan has produced uranium enriched to a 93.5% level.

1986—Press reports cite U.S. ''Special National Intelligence Estimate'' concluding that Pakistan had produced weapons-grade material.

1986—Commenting on Pakistan's nuclear capability, General Zia tells interviewer, ''It is our right to obtain the technology. And when we acquire this technology, the Islamic world will possess it with us.''

1986—Recently declassified memo to then-Secretary of State Henry Kissinger states, ''Despite strong U.S. concern, Pakistan continues to pursue a nuclear explosive capability * * * If operated at its nominal capacity, the Kahuta uranium enrichment plant could produce enough weapons-grade material to build several nuclear devices per year.''

1987—U.S. nuclear export control violation: Pennsylvania, maraging steel & beryllium (used in centrifuge manufacture and bomb components).

1987—London Financial Times reports U.S. spy satellites have observed construction of second uranium enrichment plant in Pakistan.

1987—Pakistan's leading nuclear scientist states in published interview that ''what the CIA has been saying about our possessing the bomb is correct.''

1987—West German official confirms that nuclear equipment recently seized on way to Pakistan was suitable for ''at least 93% enrichment'' of uranium; blueprints of uranium enrichment plant also seized in Switzerland.

1987—U.S. nuclear export control violation: California, oscilloscopes, computer equipment (useful in nuclear weapon R&D).

1987—According to photocopy of a reported German foreign ministry memo published in Paris in 1990, U.K. government official tells German counterpart on European nonproliferation working group that he was ''convinced that Pakistan had 'a few small' nuclear weapons.''

1988—President Reagan waives an aid cutoff for Pakistan due to an export control violation; in his formal certification, he confirmed that ''material, equipment, or technology covered by that provision was to be used by Pakistan in the manufacture of a nuclear explosive device.''

1988—Hedrick Smith article in New York times reports U.S. government sources believe Pakistan has produced enough highly enriched uranium for 4–6 bombs.

1988—President Zia tells Carnegie Endowment delegation in interview that Pakistan has attained a nuclear capability ''that is good enough to create an impression of deterrence.''

1989—Multiple reports of Pakistan modifying U.S,-supplied F–16 aircraft for nuclear delivery purposes; wind tunnel tests cited in document reportedly from West German intelligence service.

1989—Test launch of Hatf–2 missile: Payload (500 kilograms) and range (300 kilometers) meets ''nuclear-capable'' standard under Missile Technology Control Regime.

1989—CIA Director Webster tells Senate Governmental Affairs Committee hearing that ''Clearly Pakistan is engaged in developing a nuclear capability.''

1989—Media claims that Pakistan acquired tritium gas and tritium facility from West Germany in mid-1980's.

1989—ACDA unclassified report cites Chinese assistance to missile program in Pakistan.

1989—U.K. press cites nuclear cooperation between Pakistan and Iraq.

1989—Article in Nuclear Fuel states that the United States has issued ''about 100 specific communiques to the West German Government related to planned exports to the Pakistan Atomic Energy Commission and its affiliated organizations;'' exports reportedly included tritium and a tritium recovery facility.

1989—Article in Defense & Foreign Affairs Weekly states ''source close to the Pakistani nuclear program have revealed that Pakistani scientists have now perfected detonation mechanisms for a nuclear device.''

1989—Reporting on a recent customs investigation, West German magazine Stern reports, ''since the beginning of the eighties over 70 [West German] enterprises have supplied sensitive goods to enterprises which for years have been buying equipment for Pakistan's ambitious nuclear weapons program.''

1989—Gerard Smith, former U.S. diplomat and senior arms control authority, claims U.S. has turned a ''blind eye'' to proliferation developments in Pakistan and Israel.

1989—Senator Glenn delivers two lengthy statements addressing Pakistan's violations of its uranium enrichment commitment to the United States and the lack of progress on nonproliferation issues from Prime Minister Bhutto's democratically elected government after a year in office; Glenn concluded, ''There simply must be a cost to non-compliance—when a solemn nuclear pledge is violated, the solution surely does not lie in voiding the pledge.''

1989–90—Reports of secret construction of unsafeguarded nuclear research reactor; components from Europe.

1990—U.S. News cites ''western intelligence sources'' claiming Pakistan recently ''cold-tested'' a nuclear device and is now building a plutonium production reactor; article says Pakistan is engaged in nuclear cooperation with Iran.

1990—French magazine publishes photo of West German government document citing claim by U.K. official that British government believes Pakistan already possesses ''a few small'' nuclear weapons; cites Ambassador Richard Kennedy claim to U.K. diplomat that Pakistan has broken its pledge to the U.S. not to enrich uranium over 5%.

1990—London Sunday Times cites growing U.S. and Soviet concerns about Pakistani nuclear program; paper claims F–16 aircraft are being modified for nuclear delivery purposes; claims U.S. spy satellites have observed ''heavily armed conveys'' leaving Pakistan uranium enrichment complex at Kahuta and heading for military airfields.

1990—Pakistani biography of top nuclear scientist (Dr. Abdul Qadeer Khan and the Islamic Bomb) claims U.S. showed ''model'' of Pakistani bomb to visiting Pakistani diplomat as part of unsuccessful nonproliferation effort.

1990—Defense & Foreign Affairs Weekly reports ''U.S. officials now believe that Pakistan has quite sufficient computing power in country to run all the modeling necessary to adequately verify the viability of the country's nuclear weapons technology.''

1990—Dr. A.Q. Khan, father of Pakistan's bomb, receives ''Man of the Nation Award.''

1990—Washington Post documents 3 recent efforts by Pakistan to acquire special arc-melting furnaces with nuclear and missile applications.

1991—Wall Street Journal says Pakistan is buying nuclear-capable M–11 missile from China.

1991—Sen. Moynihan says in television interview, ''Last July [1990] the Pakistanis machined 6 nuclear warheads. And they've still got them.''

1991—Time quotes businessman, ''BCCI is functioning as the owners' representative for Pakistan's nuclear-bomb project.''

1992—Pakistani foreign secretary publicly discusses Pakistan's possession of ''cores'' of nuclear devices.

EXHIBIT 4

ARE PAKISTAN'S F–16'S ''NUCLEAR-CAPABLE''? IT DEPENDS ON WHO YOU ASK

William T. Pendley, Office of Assistant Secretary of Defense/ISA, Letter to Sen. Glenn on 13 April 1993:

''Pakistan could . . . theoretically attach a [nuclear] weapon and deliver it to a target with their F–16s, or any other aircraft in their inventory, if arming and fuzing procedures were accomplished before takeoff, and safety and placement accuracy were not considered.''

Robert Gates, CIA Director, Testimony Before Senate Governmental Affairs Committee, 15 January 1992:

[Sen. Glenn]—''How about delivery systems? Is there any evidence that Pakistan converted F–16s for possible nuclear delivery use?

[Gates]—''We know that they are—or we have information that suggests that they're clearly interested in enhancing the ability of the F–16 to deliver weapons safely. But we don't really have—they don't require those changes, I don't think, to deliver a weapon. We could perhaps provide some additional detail in a classified manner.''

''Assessing ballistic missile proliferation and its control, ''Report of Center for International Security and Arms Control, Stanford University, November 1991:

''Pakistani F–16 aircraft could be effective nuclear-delivery vehicles even if Pakistan's nuclear warheads are large and heavy.''

''Western intelligence sources'' cited in U.S. News & World Report, 12 February 1990:

''The sources say Pakistan, in violation of agreements with Washington, is busily converting U.S.-supplied F–16 fighter planes—60 more are scheduled to be sent this year—into potential nuclear-weapons carriers by outfitting them with special structures attached to the plane's underwing carriage. The structure allows the mounting of a dummy under one wing of the F–16 to balance the weight of the bomb under the other wing.''

Deptuy Assistant Secretary of Defense Arthur Hughes, testimony before House Subcommittee, 2 August 1989:

''In order to deliver a nuclear device with any reasonable degree of accuracy and safety, it first would be necessary to replace the entire wiring package in the aircraft. In addition to building a weapons carriage mount, one would also have to re-do the fire control computer, the stores management system, and mission computer software to allow the weapon to be dopped accurately and to redistribute weight and balance after release. We believe this capability far exceeds the state of the art in Pakisan and could only be accomplished with a major release of data and industrial equipment from the U.S.'' . . .

[Rep. Solarz]—Now, in your testimony, Mr. Hughes, I gather you've said that the F–16s which we have already sold them are not nuclear capable?

[Hughes]—That's right sir.

[Rep. Solarz]—And the planes we're planning to sell will not be configured in such a way that they could deliver nuclear ordnance?

[Hughes]—That's right, Mr. Chairman.

Deputy Assistant Secretary of State Teresita Schaffer, testimony before House Subcommittee, 2 August 1989:

''None of the F–16s Pakistan already owns or is about to purchase is configured for nuclear delivery. Pakistan, moreover, will be obligated by contract not to modify its new acquisitions without the approval of the United States.''

Views attributed to German Intelligence Agency (BND), in Der Spiegel, 24 July 1989:

''The Pakistanis have secretly planned to use the fighter aircraft as a delivery system for their bomb. According to a report by the Federal Intelligence Service (BND), relevant tests have already been successfully concluded. The BND has reported to the Chancellor's Office that, using an F–16 model, the Pakistanis have made wind tunnel tests and have designed to shell of the bomb in a way that allows them to install it underneath the wings. At the same time, the detonating mechanism has been improved, so that the weapons can now be used. . . According to the BND report, the Pakistanis long ago found out how to program the F–16 onboard computer to carry out the relevant flight maneuvers in dropping the bomb. According to the report from Pullach [BND headquarters], they also know how to make the electronic contact between the aircraft and the bomb.''

Sen. John Glenn, letter to President Ronald Reagan, 5 March 1987:

''And I believe we should continue to try to provide assistance to the Afghans. But if the price that must now be paid is acceptance of Pakistani nuclear weapons production along with the continued provision of a 'make in the U.S.A.' delivery system (F–16s), a combination certain to ultimately erode the national security of the United States and some of its closest allies, then the price is too high.''

Undersecretary of State James Buckley, testimony before the Senate Foreign Relations Committee, 12 November 1981:

[Sen. Hayakawa]—''Do the F–16's provide Pakistan with a delivery system for nuclear devices?''

[Buckley]—''Yes, they would. But by the same token, this is not the only aircraft that would have that capability. My understanding is that the Mirage III currently possessed by Pakistan, would have the capability of delivering a small nuclear device.''

E.F. Von Marbod, Director of Defense Security Assistance Agency, testimony before two House Subcommittees, 16 September 1981:

[Solarz]—''I gather the F–16's are technically capable of carrying nuclear weapons. Will the F–16's supplied Pakistan be able to carry nuclear weapons?''

[Von Marbod]—''Mr. Solarz, all nuclear capabilities will be deleted from these F–16's. All wiring to the pylons, all computer software programs that manage the hardware stores and all cockpit controls that are nuclear-related.''

Several Senators addressed the Chair.

Mr. GLENN. Mr. President, I ask unanimous consent that a letter to the President regarding the Pakistani situation that I sent on April 19 be printed in the RECORD, and I reserve the remainder of my time.

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

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC, April 19, 1995.

President WILLIAM CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing to express my concern about the direction of U.S. nonproliferation policy in South Asia in the wake of the visit last week of Prime Minister Benazir Bhutto of Pakistan. Press reports and commentary regarding her visit and the joint press conference you held with her have been singularly devoid of information on the history of the Pressler Amendment, the activities of Pakistan in the nuclear area, and the circumstances surrounding the two 1989 contracts for the sale of F–16s. Without such understanding, it is easy to conclude that an injustice has been perpetrated upon Pakistan, and that to rectify it, a major adjustment in our nonproliferation policy must be made. The truth, however, is much more complicated, and the problem does not lend itself to easy resolution.

To understand how we have arrived at this difficult state of affairs with Pakistan, in which they have paid $658 million in cash and used $200 million in credits for 28 F–16s but cannot have them delivered, let us review some history.

In the mid–70s, Congress became concerned about increasing evidence of international nuclear trade in dangerous technologies associated with producing nuclear weapon materials. A number of countries, including but not limited to Pakistan, South Korea, Brazil, and Taiwan were actively engaged in seeking such technologies, and suppliers such as France and Germany seemed prepared to meet the demand. In an attempt to dampen such activity, in 1976 and 1977, Congress enacted what is now called the Glenn/Symington amendment to the Foreign Assistance Act which provided that countries importing or exporting such dangerous technologies under certain conditions would be cut off from U.S. economic and military assistance. This law was universal in its application and was not directed specifically toward Pakistan. Nonetheless, in 1979, after much information became available about illegal Pakistani activities involving the smuggling of design information and equipment related to nuclear enrichment, President Carter invoked the Glenn/Symington Amendment to cut off the Pakistanis. After the war in Afghanistan broke out, attempts by the Carter Administration to restore some assistance to Pakistan in return for restraint on their nuclear program were rebuffed by the Pakistanis.

When the Reagan Administration arrived, aid to Pakistan and the Mujahideen was high up on the administration's foreign policy agenda, and the repeal of the Glenn/Symington Amendment was suggested during Congressional consultations. This was rejected. Instead, a proposal was made and adopted into law that allowed the President to resume aid to Pakistan for six years despite its violations of ''Section 669'' of the Glenn/Symington Amendment (relating the uranium enrichment activities). President Reagan used this authority in 1982 and also issued a waiver under ''Section 670'' of the amendment (relating to reprocessing activities) to exempt Pakistan indefinitely from the cutoff provisions of that section of the Glenn/Symington legislation as well/ (He could not do the same under Section 669 unless he had ''reliable assurances'' that the Pakistanis were not developing nuclear weapons, and such assurances were clearly not available). Thus, a specific waiver for Pakistan was created (and has been subsequently renewed five times) that allowed them to escape from the sanctions imposed by U.S. law for proliferators. This has been done for no other country that I am aware of.

Nonetheless, Congress was unwilling to give a complete blank check to Pakistan, and stipulated in the waiver legislation that Pakistan would still be cut off if it received or exploded a nuclear device. In addition, Congress stipulated that an annual report would be provided on Pakistan's nuclear activities so that Congress could confirm that U.S. assistance was indeed inhibiting Pakistan's bomb program as was confidently assumed by Reagan Administration officials.

Those reports, along with supplementary intelligence information, revealed that there was no effect whatsoever on the pace or direction of the Pakistani bomb program. The Pakistanis continued to say publicly that they had no nuclear weapons program, and continually lied to U.S. authorities whenever questioned. Indeed, then-President Zia and the then-head of the Pakistani Atomic Energy Commission, Munir Khan, both lied directly to me during my visit to Islamabad in 1984 when I asked them about information I had concerning their nuclear program.

The result of all this mendacity, plus ongoing information that the Pakistani program was progressing, was the enactment of the Pressler Amendment, passed in 1985, which was designed to draw a new line in the sand regarding the extent of U.S. forbearance of Pakistan's nuclear weapons program. The amendment required the U.S. President to certify annually that Pakistan did not ''possess'' a nuclear explosive device in order for assistance to continue, and that such assistance would ''significantly reduce the risk'' that Pakistan would possess such a device. Please note that the argument about the Pressler Amendment being unfair because it applies only to Pakistan is completely disingenuous because it ignores the fact that Pressler was created to shape further the unique, special exemption from U.S. nonproliferation law given to Pakistan years earlier.

It has been reported that C.I.A. officials who were privy to intelligence information concerning the Pakistani program were skeptical, beginning from 1987 on, that the President could make the appropriate certifications under Pressler to allow aid to continue. Statements from high ranking Pakistani officials around this time suggested that they had the bomb within their grasp. Nonetheless, President Reagan in 1987 and 1988, and President Bush in 1989 made those certifications. It has also been reported that President Bush told the Pakistanis in 1989 that he would be unable to make the certification in 1990.

Now, the contracts for the sale of 28 F–16s was signed in 1989, the year Pakistan was ostensibly warned that there would be no further certifications that would allow them to receive military equipment from the United States. The first cash payment (of $50 million) was made at the beginning of FY 1990. Subsequent to the cutoff, which took effect in October, 1990, Pakistan continued to send periodic payments for the manufacture of F–16s, i.e., $150 million in FY 1991, $243 million in FY 1992, and $215 million in FY 1993, for a total of $658 million.

Why did they continue to send money when U.S. law would not enable them to receive the planes? This is a question only they can answer. But it is not unlike an investor buying the stock of a company whose assets are under a lien in the hope that the lien will somehow be removed. If it doesn't get removed, the investor can hardly call ''foul''.

All this is not to say that the Pakistanis are not entitled to any sympathy in their national security plight in South Asia. They have fought three wars with a much larger adversary, India, who is also pursuing a nuclear weapons program and exploded a device in 1974. By virtue of India's nuclear program being indigenous and therefore not in violation of the terms of the Glenn/Symington Amendment, the Indians have not been subject to the amendment's sanctions (which would not have been effective in any case, since the Indians received only token amounts of economic or military assistance from the U.S.). That is not the same thing as saying that U.S. law is discriminatory in its application.

As I write this, more than 170 nations are meeting in New York to determine whether and for how long to extend the Nuclear Nonproliferation Treaty. It has been the policy of every American President over the past twenty five years since the Treaty went into effect to support the Treaty and we have been steadfast in that support. As a result, we have every right to ask, as you have done, that the members of the Treaty vote for indefinite extension. The NPT has been a success because we have cooperated with those Parties to the Treaty who have taken their nonproliferation commitments seriously, just as we are taking our own commitments seriously by reducing our stockpiles of weapons and engaging in a moratorium on testing.

How will we be keeping faith with those 170+ nations meeting in New York if the message we send is that a proliferator with a history of mendacity can receive from the United States a significant number of nuclear weapons delivery systems (F–16s)? To ask the question is to give the answer.

The U.S. cannot be a champion of nonproliferation on the one hand and a facilitator of nuclear weapons development or delivery on the other. To send F–16s to Pakistan with full realization of the history I have laid out in this letter would be a gross violation of our commitment to foster a nonproliferation ethic in the world through the NPT and other means, and would rightfully subject us to strong international criticism.

I am not an enemy of Pakistan, and I have supported them when they have been threatened in the past, such as during the war in Afghanistan. And I, along with you, Mr. President, want their cooperation in the fight against terrorism and drugs. Surely we ought to be able to find a way to support them in these activities without giving them a nuclear weapons delivery system. I am prepared to discuss with you or your representatives various options in which such support might be provided without undermining our nonproliferation standing and efforts around the world.

As to the cash payments for the F–16s, we cannot ignore the fact that, contrary to the grossly incorrect public statement made by Assistant Secretary Robin Raphel at a White House briefing on April 11, no payments were made by Pakistan before FY1990. Sticking to the payment schedule of the contract until FY1993 was a gamble by Pakistan that didn't pay off, and now they want to be held harmless from losing their gamble. It is perhaps unfortunate that U.S. officials did not disabuse the Pakistanis of the hope that making those payments would put pressure on the U.S. to reverse the Pressler sanctions and deliver the planes, but that is no reason to turn that hope into reality now.

In closing, Mr. President, I urge again that in finding ways to improve our relations with Pakistan, we not lose sight of the importance of keeping good relations with the nonproliferators of the world. They have a large claim on our loyalty.

Sincerely,

JOHN GLENN,
Ranking Member.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BROWN. Mr. President, I defer to the distinguished Senator from Rhode Island.

Mr. GLENN. I thank my colleague and I yield 10 minutes to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The senior Senator from Rhode Island is recognized.

ENVIRONMENTAL PROVISIONS

Mr. PELL. Mr. President, I would like to briefly draw the attention of my colleagues to the funding measures that the foreign operations appropriation bill recommends with regard to our participation in important ongoing international environmental efforts. In particular, I wish to refer to the allocation of $50 million that have been earmarked for the Global Environment Facility, commonly referred to as the GEF. At the outset, let me highlight that while this amount falls short of the $110 million that the administration had requested, it represents a 66-percent increase from the amount that the House of Representatives had recommended. This important increase is the result of the joint efforts of Democrats and Republicans, who in a spirit of bipartisanship joined their efforts to increase funding for international environmental activities.

Mr. President, the GEF was recently restructured and now represents all the good that can come out of sound international efforts on the environment. The committee report that accompanies the foreign operations bill correctly emphasizes the need to maintain U.S. leadership in this vital organization, which seeks to combat ocean pollution, ozone depletion, loss of biodiversity, and other serious threats to the Earth's environment. Specifically, the GEF aims to assist developing countries in meeting the new challenges of sustainable development.

We are now at a time where the impacts of global change are starting to have significant effects on our environment and the United States just cannot afford to relinquish its leadership role. This point was highlighted in a recent editorial piece in the New York Times, which enumerated the mounting evidence experts now have on the depletion of the ozone layer and other climate change factors. I ask unanimous consent that a copy of this article be included at the end of my remarks. We should not be reducing our commitment to a healthy global environment at such a critical time.

I also note that the Senate Appropriations Committee has increased from the House bill the amount that will be dedicated to international organizations and programs, which also includes U.S. efforts to promote sustainable development, and particularly the protection of the global environment. The United States has been an active partner in the activities of the U.N. Framework Convention on Climate Change and the Montreal Protocol on the Depletion of the Ozone Layer. The administration has highlighted the fact that the Montreal protocol fund is a low-cost and very effective shield to protect the health of our citizens and our environment. The U.N. Framework Convention on Climate Change addresses the problem of climate change with policies that are both good for the environment and good for the economy. The committee report recognizes the importance of these organizations and programs and urges that adequate funding be provided for these important activities.

The need to protect biodiversity is also highlighted as a priority and the report recognizes that global biological wealth is vital to U.S. security and key to our own agricultural and pharmaceutical interests. The report thus urges AID to remain active in regions that are significant for biological diversity. I support that commitment.

Finally, the foreign operations bill recognizes the key role played by the U.N. Environment Programme [UNEP], by requiring that any reduction in the amounts made available for UNEP shall not exceed the percentage by which the total amount appropriated for international operations and programs is reduced. UNEP provides a means to pursue international environmental standards that are both compatible with U.S. interests and comparable to U.S. regulatory requirements and restraints. Further, UNEP goals are complementary to our own, particularly in the area of climate change and ozone depletion.

Mr. President, I am grateful for the bipartisn approach that prevailed in the Appropriations Committee which has allowed us to ensure that the United States will remain committed in our very important efforts to protect the environment.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the New York Times on that subject, and I yield the floor.

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

[From the New York Times, Sept. 18, 1995]

GLOBAL WARMING HEATS UP

The evidence mounted last week that man-made gases are causing deterioration of the earth's atmosphere. First came news that a United Nations scientific panel believes it has found, for the first time, evidence that human activities are indeed causing a much-debated warming of the globe. The report, though preliminary, appeared to strengthen the case that governments throughout the world may need to take stronger action to head off potential damage.

Then came an announcement from the World Meteorological Organization that a worrisome hole in the earth's protective ozone shield appears to be getting even larger over Antarctica. Such enlargement had been expected because it will take a while

for corrective actions already taken by many governments to exert their effect. But the report underscored that the battle to save the ozone layer is not yet safely won.

The U.N.'s global warming report, described by William K. Stevens in the Sept. 10 Times, indicates that man-made global warming is a real phenomenon. It can not be dismissed as unproved ''liberal claptrap,'' as Representative Dana Rohrabacher, Republican of California, who heads a house environmental subcommittee, has derisively suggested.

For years now scientists have been arguing over whether the omission of ''greenhouse gases,'' such as carbon dioxide generated by the burning of fossil fuels, has contributed to a small rise in global temperatures over the past century—and whether such emissions will drive temperatures even higher in coming decades.

Such a change in temperature might, if drastic enough, have serious consequences, as is made clear today in a second article by Mr. Stevens. Global warming could cause a rise in sea level that would flood coastal lowlands, an increase in weather extremes and damage to forest and croplands in some regions. Forestalling truly severe damage might will warrant action to slow the emission of greenhouse gases by reducing the world's reliance on fossil fuels. But that would be a wrenching, costly process that few political leaders are eager to undertake absent compelling evidence that human activities really are driving world temperatures toward dangerous levels.

Now the U.N's Intergovernmental Panel on Climate Change, the scientific panel charged with analyzing the problem, has concluded in a draft report that it is seeing signals that man-made global warming is under way. The signals are not in the form of a ''smoking gun.'' Instead, they are found in computer patterns. The computer models that predict rising temperatures seem to be matching up more closely with some of the patterns of climate change actually observed. There are great uncertainties in how much the temperature will rise and how great any damage might be. But the case for being concerned about global warming is getting stronger.

That makes it especially distressing that committees in the House and Senate are slashing funds for programs aimed at protecting the global environment. Steep cuts have been imposed on research to study global climate change, on programs to help reduce carbon emissions and on funds to help developing countries phase out their ozone-destroying chemicals. It is perverse that, as the evidence of global atmospheric harm gets somewhat stronger, the political response to mitigating it gets progressively weaker.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BROWN. Mr. President, I yield myself 10 minutes.

Mr. President, I compliment the distinguished Senator from Ohio for his very thoughtful comments. He has been a very sincere and a tireless advocate of the cause of nonproliferation, and he has made a major contribution not only to the United States effort in that but to the worldwide efforts in that. While we find ourselves on opposite sides of this particular issue, I certainly want to indicate my admiration for his tireless efforts and also my thanks for the contribution he has made to the debate tonight. I think it has been helpful and constructive. I do come to a different conclusion with regard to the amendment, but that does not mean I do not share his strong feelings toward nonproliferation. I do.

The first portion of what has been said that I want to deal with is the very significant question: What is the value, militarily, of the slightly more than one-fourth of the package that would be delivered under this amendment. These are arms negotiated for in 1986 and 1987 and 1988. These are arms that have aged somewhat, that are somewhat out of date. But I thought that was a valid question and an important one for our deliberations.

We held a series of hearings on this whole matter, including one directed specifically to that particular question; that is: How significant are these weapons? What kind of problems would they create? How significant are they in military terms?

I want to deal with the specifics of the answers but let me just summarize. The experts that we called in were both Democrat and Republican, they were both military personnel and personnel from academia. They were both people who had worked with India—we had the former Ambassador to India as well as other experts on India, consultants who work with India all the time—and there were experts who had worked in Pakistan. So we had a broad range of people, backgrounds, and issues. We asked all of them the same question: What is the effect on the balance of power in the area?

They said this. First, that India maintains the balance of power and that it is militarily overwhelming, roughly a ratio of 2 to 1, depending on the category of weapons system. In some areas the ratio is even more than 2 to 1. Certainly in population it is much more than that. In overall resources it is more than that.

Second, these experts said it would not affect the balance of power at all.

Third, they said the weapons themselves are not terribly significant.

I have summarized what they said. I want the RECORD to reflect precisely what they said. But the military significance of the items that would be transferred to Pakistan is a valid question. I think the Senator is right to raise it. I wanted the Senator and other Members of this Chamber to know I was concerned about it, that we called a hearing on it, that we got testimony from all the experts including the administration, all of which agreed stated that the equipment to be transferred would have little military significance.

I will just give a quick sampling of the testimony taken because it lends important background as Members consider this particular question. How significant are these arms that will be delivered under this amendment? Here is what Stephen Cohen, Director of Program in Arms Control, Disarmament and International Security at the University of Illinois, said:

> In terms of the regional military balance, I don't think that the release of this military . . . equipment really will have no significant impact on the balance one way or another.

Those remarks, sentiments, were echoed by George Tanham. He was the Vice President of the Rand Corp. I believe he is retired at this point, but nevertheless is an important expert in this area.

I agree with Steve that the package won't change the balance at all. In fact, there is no balance now. India dominates so strongly. They have twice as large an army as Pakistan, twice as large an air force, twice as large a navy, twice as many tanks, twice as many airplanes. So there isn't a balance at the moment. India has overwhelming strength.

This one is from Michael Krepon. He is the president of the Henry Stimson Center.

> Conventional arms transfers like those under consideration by the Congress have not in the past been sources of instability or arms racing in the region.

This next one is by the Honorable William Clark, Jr. He was the U.S. Ambassador to India during the period of 1989 to 1992.

> We have got F–16's that have been sitting in the desert and being maintained. The P–3 and the Harpoon, three of them are marginally useful, if at all, and they have been already. The requirement has been met in other ways. From the politics of it, it is terribly important. The military utility of it, they would rather buy more modern equipment with the money.

What he is suggesting there is that if the Pakistanis had the choice, they probably could get better quality weapons if we returned their money than if we delivered the weapons. That is particularly important if, indeed, the amendment proposed by the Senator from California is offered with an alternative to return the money.

This is from James Clad, professor at Georgetown University.

> The offer for Pakistan is exactly as Dr. Tanham pointed out an equalizing hand in trying to somehow correct the subcontinental mismatch of conventional weaponry capability and geographical reality. I think another turn on a dime on this issue is going to I think do further damage to the American diplomacy.

Professor Clad's ''other turn'' was reversing the President's compromise reached after negotiations with the Pakistan government, which, of course, is the amendment we have offered. If we turn down the President after he has negotiated a settlement, after he has taken the lead and gotten an agreeable settlement in this very sore situation, we not only discredit the President but we undercut his ability to negotiate for us in the future. Those are my words, not Professor Clad's, but I think the point that he makes is very accurate.

The last one is from Bruce Fein. He is a constitutional and international law specialist and also a syndicated columnist.

> It is true that they—

Referring to India—

are searching at present for substantial additional arms purchases, hundreds of millions, that I think would dwarf anything that would follow any relaxation of the Pressler amendment: very high technology MiG aircraft.

I might say, Mr. President, that nothing compares in this package to anything that India is currently shopping for, has the money to buy and apparently will buy at some point.

Mr. President, those comments deal as seriously as I know how to deal with the question of how significant the equipment that is transferred will be. The experts tell us it is not significant and, indeed, that is what the administration tells me.

Now, that was not HANK BROWN talking. Those statements were given by experts in the field in a public hearing subject to the scrutiny and review of the media and other experts. It is important because I must tell you my own view is I do not want to get involved in arms sales to the subcontinent that will create an escalating arms race or that change in the balance in favor of one side or the other. I want the United States to be friends with both countries. We have a great future of trade, investment and mutual development with both India and Pakistan.

Ultimately, the people who have tried to exploit the difference between those two countries will be viewed with hostility by both nations as well. Ultimately, both of these neighbors will face common challenges. They must be friends and must work together. The American sense that we do not want to get in between the two is the right sense. That is why it is so important to clear up this contractual dispute after 9 years and get it out of our way. The administration is right when they say it is not their intention to get involved in future arms sales.

That deals with the question of how significant the one-fourth of the package that is being delivered is. A second area that I thought maybe was worthwhile: Much has been made by my distinguished friends about the fact that Pakistan did not reveal the full extent of what they were doing with nuclear material or other areas.

What perhaps was not said is what India said about their nuclear program. We are not dealing with a nation in isolation. Pakistan's neighbor, which is geographically far bigger, has a much greater population and a military that is twice its size, also has nuclear weapons. But all that has been criticized here tonight are the statements and denials of Pakistan. Nothing has been said about the statements of India.

Now, it is in our interest as a country to run down either country, but it is unfair to turn a blind eye to what goes on in that subcontinent. If we are to be concerned about one country, we must be concerned about the other. The reality is that between the two countries, India and Pakistan, our legal restrictions apply to Pakistan but exempt India.

Is this an inconsistent policy? Mr. President, I believe it is. The waivers that were talked about earlier simply relate to Pakistan because the restrictions apply to Pakistan. The fact is this: If we are concerned about nuclear weapons, we ought to be concerned about both India and Pakistan and our laws ought to apply equally to both countries.

Mr. President, they do not. If we are concerned about statements countries make about their nuclear weapons program, we ought to be concerned about statements by India as well as by Pakistan. Mr. President, we have not heard that concern about India tonight. We have only heard it about Pakistan.

If Members are concerned about violations of the MTCR—and I am—if they are concerned and want to impose sanctions, they ought to be doing what the law says, which is to impose sanctions not only in the country that buys items that violate the MTCR but also on the country that sells in violation. We have had a lot of people talk about applying penalties against Pakistan under the MTCR. But who has come forward to propose penalties against China? Under MTCR, they are equally at risk if, indeed, the allegations are correct, but the reality is that all we have heard are sanctions against Pakistan and none against China, or at least the Members who have spoken have not talked about China.

Mr. President, I yield myself an additional 10 minutes.

It seems to me, if we are going to be consistent, we ought to apply our concerns about nuclear technology to both India and Pakistan. If we are concerned about nuclear technology, we ought to be willing to apply the laws that restrict its development and spread to both India and Pakistan, not just to one of the two. If we are concerned about missiles and missile technology, we ought to be willing to apply those restrictions to both India and Pakistan. The fact is the MTCR does not apply to missiles that are developed in-country but they do apply to a country that acquires them from outside.

Once again, we have drafted a law that only applies in this case to Pakistan and not to India, at least in relation to the two countries.

Lastly, Mr. President, if we are going to be consistent, we ought to talk about penalties not just for Pakistan if, indeed, they have violated the MTCR, but for China as well. Yet what we have heard tonight are slings and arrows pointed only at Pakistan.

Well, that is perhaps appropriate in some ways. This amendment does deal with Pakistan. It is right for them to bring these issues up. But from my point of view, our level of consistency ought to be higher than that.

Lastly, let me ask Members this: If you were a reporter and you talked to President Truman in 1944 and you said, ''Mr. Truman, tell me whether or not the United States has a nuclear weapon?'' What do you think President Truman would have said? Would he have said, ''Well, it's a top military secret. Its disclosure would harm our national security. But I want to tell you anyway and I'll tell you all about it''?

Does anybody here think President Truman would have said that?

He was not President in 1944; he was Vice President. But at least at that period of time.

But the fact is, President Roosevelt—later President Truman who led us in the later 1940's—did not reveal, to questions, that we had a nuclear weapon. It was a matter of utmost national security.

Should the Pakistanis have revealed their national security secrets to us? Well, maybe they should have. I can understand Members' frustration with that. But I also understand this, India has the nuclear weapons. And they had them first. If anyone is shocked or surprised that Pakistan, who has been involved in three wars with India and lost all three, would think about developing weapons comparable to the country that beat them in three wars, I think they have not studied much of world politics.

Is anyone surprised that Pakistan sought to get missiles, if indeed they have? I suspect they have sought to find missiles. The fact is that India has developed missiles. Is anybody surprised that Pakistan then in turn would try to acquire missiles? I am not surprised. Do we wish this was not going on? Absolutely. But our challenge ought to be to think of ways that we can slow it down or stop it. That involves additional leverage. To ignore the situation, to close off our contacts and our discourse with Pakistan is not the way to solve the problem.

Mr. President, I offer these observations at the same time I want to renew my sense that it is terribly important that we pursue our efforts to slow proliferation or stop it. What is at stake here is solving an old dispute, and what stays in place, what is unharmed or unchanged is the flat prohibition on military aid or sales to Pakistan. That is unchanged. What stays in place is a strong penalty against Pakistan who has been our ally through thick and thin. We keep that in place because we want to keep a lesson out there for the rest of the world that there is a penalty.

But this amendment delivers a small portion of the package of equipment that Pakistan had contracted for 8 or 9 years ago, which they have paid for and which is deemed to be militarily insignificant by the experts, to them. Their money on three-fourths of the package is sent back to them, or at least inasmuch as we can sell those planes for something and send it back. What we do in this package is begin to deal fairly with Pakistan. What we do not do is undercut our efforts at nonproliferation. I believe in the long run we improve those efforts.

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

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. Mr. President, as I understood it, we cannot carry this time over until tomorrow. The time has to be used this evening.

We have 1 hour total equally divided. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. GLENN. Mr. President, I would be prepared to yield back the remainder of my time, if the Senator from Colorado is prepared to do the same.

Mr. BROWN. Mr. President, I also would be happy to yield back the remainder of my time for this evening.

Mr. President, at this point I will suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AID TO ISRAEL AND EGYPT

Mr. ABRAHAM. Mr. President, I rise today in support of U.S. aid to our strongest allies in the Middle East: Israel and Egypt.

I believe foreign aid should be dispensed only when and where it is in America's national interest, and H.R. 1868, the foreign operations, export financing and related appropriations bill of 1996, meets those criteria.

H.R. 1868 authorizes $3 billion for Israel, including $1.8 billion in military assistance and $1.2 billion in economic aid; and $2.12 billion for Egypt—$1.3 billion in military aid and $815,000 in economic assistance.

Mr. President I believe support for Israel and Egypt furthers our goal of supporting countries that defend and advance America's interests.

The Middle East is an incredibly volatile region and events that transpire there have major implications for the United States. Both Israel and Egypt help protect our strategic interests in that part of the world and for this reason they deserve our continued support.

Now is not the time to abandon our friends, but rather the time to assist them as they face many of the same challenges we do as we strive to promote stability in the post-cold war world.

The Middle East has witnessed historic changes that seemed unimaginable only 5 years ago: the collapse of the Soviet Union has removed the most powerful supporter of rogue nations in the region; the United States, with Egypt's crucial involvement, led an international coalition in a successful effort during the Persian Gulf War; political and economic relations were established between Israel and Morocco, Tunisia, and many other countries around the world; bilateral negotiations were initiated between Israel and some of her most ardent enemies; an agreement between Israel and the Palestinians was formalized; and a peace treaty between Israel and Jordan was signed.

But despite these developments and achievements, the Middle East is still among the most dangerous regions in the world.

Instability in the Middle East is contrary to our national security interests because it threatens the supply of oil, which could create a crisis the likes of which the people of Western Europe and America have experienced before. It could also threaten our access to the Suez Canal and increase the influence of terrorist regimes.

And this instability could resurface at any time. Parties opposed to the peace process have sought to undermine it. Economic underdevelopment in many countries breeds political instability and even violence.

In order to minimize these dangers while continuing to build on historic accomplishments in the region, United States support for Israel and Egypt is as critical today as ever. Both Israel and Egypt stand firmly with us in countering these threats.

The joint military exercises the United States conducts with Israel promote American goals in the region by solidifying a cooperative strategic plan which can be quickly implemented. Dozens of American weapons systems, including the Patriot missile and the F–15 fighter, have been improved with Israeli technological innovations. The Arrow missile program, which has been a joint American-Israeli project, should some day help America and our allies protect ourselves against ballistic missile attacks. I should also point out that aid to Israel is used primarily to purchase United States-made military equipment.

Similarly, joint United States-Egyptian military exercises have proven fruitful in such coordinated efforts as Desert Shield and Desert Storm. As the United States assists in maintaining the efficiency of the Egyptian armed forces, these forces can continue to protect and enhance our interests in the region. Furthermore, Egypt purchases over 85 percent of its military equipment from the United States, including the M1A1 tanks.

Mr. President, we must authorize these funding levels not only because it makes sense when considering our strategic goals in the Middle East, but also because it is consistent with our objectives in the ongoing peace process.

As the chief sponsor of both past and current peace negotiations, the United States should maintain its leadership role in pursuing peace in the region by continuing its unequivocal support for Israel and Egypt. Peaceful resolutions to Middle East conflicts will promote stability in this important part of the world.

The provisions of this aid package are, in my view, well structured to serve the interests of Americans, Israelis and Egyptians.

Additionally, H.R. 1868 provides funding for the United States to assist the Palestinians in the West Bank and Gaza as they develop their economy and strive to accomplish peace in the region. In my view, the United States should help lead an international community effort to stimulate private investment in Gaza and Jericho, including the continuation of a free-trade agreement and the development of industrial parks. Such initiatives can drive economic growth for the Palestinians. A stronger economy in turn will ultimately help produce peaceful self-rule.

Mr. President, l believe we must continue to assist nations which serve our interests by promoting stability in a volatile region. I am hopeful that ultimately there will be a peaceful resolution to the Arab-Israeli conflict. I urge my colleagues to vote for this legislation, because I believe aid to Israel and Egypt, as well as to the Palestinians, is a small price to help attain paramount international goal of the United States—permanent stability and peace in the Middle East.

I yield the floor.

Mr. GLENN. Mr. President, during the wrapup tonight—I know the procedures for tomorrow will be laid out by my distinguished colleague here. Since the regular floor managers for this bill are not here this evening, I would like to point out that Senator FEINSTEIN had hoped to be able to put her amendment in and have it considered at the end of the hour period and following the vote that will occur on Senator BROWN's amendment.

Although the managers are not here tonight, I hope we can honor that position for her so that the votes on this same subject will occur at about the same time or in sequence tomorrow. I hope that the floor managers tomorrow will look favorably on that, although they are not here to approve that tonight.

I yield the floor.

MORNING BUSINESS

Mr. BROWN. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak up to 5 minutes each.

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.