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## House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, November 28, 1995, at 12:30 p.m.

## Senate

MONDAY, NOVEMBER 27, 1995

The Senate met at 1 p.m. and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

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

Gracious God, we return to our work today after the Thanksgiving holiday with a glow of gratitude. Thanksgiving is the memory of the heart. It gives us an opportunity to count our manifold blessings as individuals and as a nation and humbly thank You for all You have done for us. As we have looked back over the past with gratitude, and then looked up to You with praise, now we are ready to look forward with hope.

We press on with renewed hope for the debate over crucial issues before us. We know that if we trust You and proceed with honest exchange and civility, You will help us succeed together.

Make us so secure in Your love that our egos will not get in the way; grant us Your power so we will not need to manipulate in a power struggle; free us from secondary loyalties so we can focus as our primary concern the future of our Nation. Thank You for the strength and vitality that surges within us when we reaffirm that living each day as if it were our only day makes for a total life lived at full potential. In the name of our Lord. Amen.

### MORNING BUSINESS

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

business not to extend beyond the hour of 3 p.m., with Senators permitted to speak therein for not to exceed 10 minutes each.

Mr. FRIST addressed the Chair.

The PRESIDENT pro tempore. The able Senator from Tennessee is recognized.

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

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

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

### THE FARM BILL

Mr. DORGAN. Mr. President, I wanted to visit today about the subject of NAFTA, the North American Free-Trade Agreement, and some legislation introduced in the Senate on that subject. Before I do that, I would like to make a quick point about the so-called farm bill.

It is my hope that in the week ahead and in the next several weeks, as the Congress deals with the reconciliation bill, the leaders of both sides and the President will insist that the farm bill be taken out of the reconciliation bill. It is, in my judgment, unfair to farmers to have thrown the farm bill into the reconciliation bill. It needs to be considered on its own, its own merits, with hearings, and in a thoughtful way. The decision about what kind of a long-

term farm program this country has is not a decision that ought to be made on the spur of the moment by throwing something into the reconciliation bill.

I do hope in the next week or so, as we negotiate through a reconciliation bill, that all sides will agree that if they have to get budget savings from the agricultural side, that is fine, but the farm bill ought to be separated out, debated separately, and considered on its own merits.

### NORTH AMERICAN FREE-TRADE AGREEMENT [NAFTA]

Mr. DORGAN. Mr. President, a week ago Friday, just prior to the recess, I introduced in the Senate, along with the cosponsors, Senator BYRD from West Virginia, Senator CAMPBELL from Colorado, and Senator HEFLIN from Alabama, a piece of legislation called the NAFTA Accountability Act. I want to talk briefly about that this morning. I understand that the Senator from West Virginia, Senator BYRD, will come to the floor and also provide some discussion about it.

Not many people know what NAFTA is. It is an acronym that describes the North American Free-Trade Agreement. Not many people know much about it or much about how it affects them, their lives, or their jobs. But it is a significant piece of trade legislation that had its 2-year anniversary, or second birthday, about a week or so ago.

It is time for the Congress, when you pass legislation like NAFTA, to stop and assess its impact and decide whether it did what it was advertised to do.

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



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A week ago today I drove to the Canadian border, a border town named Portal, ND, between North Dakota and Canada, along with some farmers. One of the farmers, Earl Jensen and his wife, brought along a 1984 orange International grain truck with 240 bushels of hard red spring wheat, and we drove to the Canadian border last Monday.

A number of other farmers came along and they brought some durable goods, dry goods, clothes, a clothes washer, several cases of beer, and some other products to try to understand what you could get into Canada under this North American Free-Trade Agreement.

All the way to the border that morning we were meeting these semitrucks, double tandem semitrucks, filled with Canadian grain, coming south. We knew they were filled with grain because as they came south—and there was a pretty good wind—the grain came up against the windshield as these huge semitrucks came whipping on by us going south.

We arrived at the Canadian border and Earl drove up with his orange truck filled with 240 bushels of hard red spring wheat and told the Canadian Customs that he was going to take the truckload of United States wheat to Canada to sell at a country elevator.

We know that millions and millions of bushels of Canadian wheat are coming across our border, coming south, truckloads, every single day. But Earl was stopped at the border and told, "You cannot take that wheat into Canada. You must have an end use certificate."

Well, Earl Jensen and his wife sat in his little orange truck. They did not have an end use certificate. It turns out you have to get one from Canada. If you apply, you cannot get one because you cannot sell grain at a country elevator in Canada because you are hauling United States grain.

The fact is millions of bushels of wheat pour south from Canada into the United States, and Earl Jensen and his wife cannot drive north to Canada with 240 bushels of hard red spring wheat.

Why is that important? It demonstrates the problem of unfair trade on the border. A fellow who brought three cases of beer felt, because there was a flood of barley coming south, you can turn barley into beer and take the beer back in cases. He learned you cannot take three cases, you can take one, and if you stay more than 24 hours you have to pay duty, \$12.50 duty, on a case. Another fellow discovered the combined duty was over 20 percent for his products.

Why do I take time to describe this? We have problems on the border. We have a free-trade agreement with Mexico and Canada that is fundamentally unfair to our country. It is called NAFTA.

I want to describe what has happened in our own country with the trade deficits. I know you might think this chart is upside down, but it is not. The red

represents trade deficits. You can see in this country we had trade surpluses through a series of trade acts, and then we had the Trade Reform Act in 1974, Tokyo round, the Uruguay round, NAFTA, and now GATT.

Look what has happened. We will have a larger merchandise trade deficit in this country than a fiscal policy deficit. There is a lot of nail biting and wrist wringing about the fiscal policies deficit, and there should be. The budget deficit is a serious problem. But the trade deficit is larger and a more serious problem for this country.

What has happened with respect to Canada and Mexico? Well, we have a trade deficit with Mexico now as a result of NAFTA, or at least partly as a result of NAFTA. Prior to negotiating a trade agreement with Mexico and with Canada, we had decent trade numbers with Mexico. We had nearly a \$2 billion surplus.

Now, 2 years later, after 2 years of the trade agreement with Mexico, we will probably have—this says \$15 billion; it is probably a \$16 to \$18 billion deficit. Let me say that again: We will have gone from a \$2 billion surplus to a \$16 to \$18 billion deficit after 2 years of a new trade agreement with Mexico.

The situation is similar with Canada. There we started with a deficit. Now that deficit is nearly going to double. Some of us believe that this country ought not continue to get taken advantage of and get the short end of the stick on trade issues.

I mentioned the Canadian problems. At least from the standpoint of someone who represents a rural State, the major problems are agricultural. A flood of grain is coming into our country, undercutting price, undercutting our family farmers. Yet, you cannot get one little orange truck across the border going north with 240 bushels of grain. That is the fundamental unfairness of the situation at our border up north with respect to grain.

What is the circumstance at the border down south? What we have down south, as one Presidential aspirant described it a couple years ago, is a giant sucking sound of American jobs heading south. There is no disagreement about the impact of the deficit that we now have with Mexico. It means wholesale movement of American jobs to Mexico.

We have introduced legislation in the Congress called the NAFTA Accountability Act. It was introduced in the House and the Senate as of a week and a half ago. It has, I believe, 32 original cosponsors in the House. We have four in the Senate and we intend to add to that.

We say we want a couple of things to happen. We want to set a date for withdrawal from NAFTA unless certain conditions are met. If NAFTA is fixed and the conditions are met, that is fine. If it is not, we should withdraw from this trade agreement.

We do not need a trade agreement that someone calls free that is not fair

to our country. That is the circumstance we have now.

At least we should require some balance in trade. Should we have a \$30 to \$35 billion trade deficit with our two neighbors? Of course not. We also have big problems with Japan and China and others. I understand that. But a trade agreement as a result of the Canadian Free-Trade Agreement and the North American Free-Trade Agreement that leaves us with \$30 to \$35 billion combined deficit, is that in our country's interest? Of course not. We ought to change it.

Our Accountability Act also deals with trade deficits. There ought to be some balance. When that balance is thwarted, then you ought to decide to kick in some measures, tariffs if necessary, to come to some sort of balance in trade between our countries.

We ought to deal with currency exchange rates. When you negotiate away a 10-percent tariff with Mexico and then you have a 40-percent change in the value of the peso, what have you done? What you have done is injured the interests of the United States.

We would provide for some remedy to the agricultural trade distortions. We would also require the certification of progress in a range of other areas. There are eight conditions all told.

Let me describe why a number of us have decided to offer this legislation. When NAFTA was debated in the Congress, here was the promise: The promise was more than 220,000 new American jobs.

Well, we had economist after economist around this country doing work for the business groups, the Clinton administration and others, who wanted this to be passed in the Congress. They all made these wild-eyed promises about all these new jobs in our country.

Well, take a look at what has happened. It is projected this year not that we will have 220,000 more jobs in our country but that, in fact, we will have lost about 220,000 jobs as a result of NAFTA.

Let me show you one of the promises. One of the leading studies that was done was a study called the Hufbauer-Schotts study, and everyone used it in the House of Representatives and Senate in debate. Mr. Hufbauer, the study's economist, said there would be 130,000 new additional jobs in 5 years in the United States. That was the promise.

Here is the reality. The same fellow who made that promise of 130,000 new jobs in the United States, now says in April of this year, 1½ years later, "The best figure for the jobs effect of NAFTA is approximately zero. The lesson for me is to stay away from job forecasting." Gary Hufbauer, Wall Street Journal, April 17.

There is an update, October 26: "The surging trade deficit with Mexico has cost the United States 225,000 jobs."

I ask unanimous consent for 4 additional minutes.

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

Mr. DORGAN. The same fellow who predicted massive quantities of new American jobs with this trade agreement is now saying not only has that not happened, but the trade deficit with Mexico has cost us 225,000 jobs.

You have seen some of the press stories in this country about what is happening. Fruit of the Loom is closing six plants, laying off 3,200 workers. Where are many of the jobs going? To low-wage countries, including Mexico. That is what NAFTA has been—an opportunity, a magnet, for jobs that used to be here but now go there.

Tri-Con Industries is moving its car seatcover plant, 200 jobs, to Mexico. Ditto Apparel, Colfax, LA, lays off 215 workers. Says the fellow from Ditto Apparel, "I'm telling you, NAFTA and GATT are the nails that are going to be in the coffin of the apparel industry in this country." They are laying off 215 workers.

I wanted to show my colleagues, in the RECORD today, what has happened just with automobiles, because we were told that any jobs that would go to Mexico as a result of the agreement would be low-skilled low-wage jobs. The fact is different. Take a look at automobiles. Our deficit with Mexico is from automobile parts, electronics, electronic parts. This is the result of high-skilled jobs that used to be in this country. Take a look at automobiles. This is an example of what you read in the papers that leads people to the wrong conclusion.

In 1993, just before NAFTA, we exported nearly 3,000 cars from the United States to Mexico. Now we export nearly 18,000 cars from the United States to Mexico. If you simply read that figure, people would say look, we have gone from 3,000 automobiles manufactured in the United States, exported to Mexico, to 18,000. That is a sixfold increase. How on earth can you describe that as anything but progress?

Let me show you the rest of the story. The imports of automobiles made in Mexico to the United States, sent to the United States, has gone from 237,000 to 405,000. So, what you see is a nearly 180,000 increase in automobiles manufactured in Mexico, sent into our market to displace automobiles that used to be made here. That is the rest of the story. The story on automobiles is a dismal story of failure, of jobs leaving America, going to Mexico.

We have introduced legislation in the Congress, not because we do not value our relationship with our neighbors, not because we believe there should never be free trade agreements, but because many of us believe our trade agreements have undermined the American economy, have actually created conditions that attract American jobs to go elsewhere, have set up circumstances to weaken the American manufacturing job base. We do not think that is in this country's interests.

One can hardly look at the graphs that I have shown today, especially this chart, the chart of what has happened in American trade, that shows an alarming trend of ever-increasing deficits, sufficient so that in this year the merchandise trade deficit in this country will exceed the budget deficit in fiscal policy. We are going to talk a lot about the deficit, and we should. But we also want to talk a lot about this red ink. This is red ink that can only be repaid by a lower standard of living in this country.

You can make a case—not a very good one, in my judgment—that the fiscal policy budget deficit is money we owe to ourselves. Because the debt is so unequally distributed that is probably an unfair comparison. But, you cannot make the case with the trade deficit that is money we owe to ourselves. It is not. It is money we owe to others, others who live outside of our country, and which will be repaid, inevitably, through a lower standard of living in our country.

That is why this is a crisis. There are many other areas of trade we must deal with—China, Japan—to mention a few. But NAFTA, the most recent trade agreement has now resulted in a circumstance where we are being smothered with a combined trade deficit with our two closest neighbors. It does not make any sense. Our country ought to insist on trade policies with other countries that are fair.

When I speak of this and when others on the floor of the Senate speak of this, immediately the editorial writers and others call us xenophobes and isolationists and folks who want to build walls of protection around our country. Not at all.

I want our country to be able to compete. I want our businesses to be lean and able to compete all around the world. But I want the competition to be fair. I do not want someone who starts a factory in South Carolina or North Dakota or Colorado or New York to have to compete against someone else who has a factory in Malaysia or Indonesia that is hiring 14-year-olds, paying them 14 cents an hour, working them 14 hours a day. That is not fair competition and it is not competition we should aspire to be involved in.

The same is true with respect to Mexico. I do not expect our producers and our workers in our country to be able to compete against a country that devalues its currency by 40 percent, that has substantially different enforcement on air and water pollution, substantially different enforcement on the hiring of children, a substantially different wage base than ours, where the minimum wage is so much below that in the United States. I do not expect that is fair competition for any producer in our country.

I want our trade agreements to stand up for the economic interests of our country. I just do not want trade agreements any longer to be negotiated with other countries in which we do not re-

quire that the rules of trade, the rules of exchange between our countries be fair. When we fail to require that circumstance, then in my judgment we weaken our country.

When Earl Jensen and his wife, in a little orange truck, drove to the Canadian border a week ago today, I watched the Canadians at the Canadian customs say to Earl and his wife, "You cannot bring 240 bushels of hard red spring wheat into Canada," despite the fact I have seen truckload after truckload of Canadian wheat come into our country, Earl and his wife have every right to be upset about a trade agreement that is unfair.

When you go to the southern border of our country and you see a company that can hardly afford not to move its manufacturing plant to Mexico because of lower wages, because of less strenuous enforcement of pollution standards and child labor standards, you understand what has happened on the southern border is unfair as well—unfair to the American workers and unfair to the American manufacturers who stay here.

We must, it seems to me, ask Republican and Democratic administrations, each of them, when they negotiate trade agreements, to stand up, finally, for the economic interests and the economic well-being of our country; not to protect us against real competition, but neither should they subject us to unfair competition that we cannot possibly expect to win.

That is the reason a number of us have introduced legislation, hoping it will lead to a thoughtful debate about the values of the North American Free-Trade Agreement. We think it needs to be changed because we think it does not at this point represent the best interests of our country.

Changing it does not mean we do not believe in freer trade or we do not believe in expanded or open trade. It simply means we believe there ought to be required fair trade rules between countries with which we are engaged in day-to-day commerce and exchange.

As I indicated, Senator BYRD from West Virginia will, I believe, today be making some comments about this legislation. We will be, now, circulating among the Members of the Senate, a "Dear Colleague," seeking cosponsors. There are four of us, Republicans and Democrats, who have introduced this legislation and we hope for bipartisan support of this legislation so we can have a thoughtful trade debate in the months and the years ahead.

I would like to make one additional comment. I introduced an amendment a couple of weeks ago, that was defeated on the floor of the Senate. I am going to introduce it again at some point, I feel so strongly about it. We not only have trade rules that are so unfair, we have a tax law, a tiny little thing, that says to companies: If you close your manufacturing plant in America and move that plant and its jobs to a tax haven country and then

make the same product and ship it back to America, we will give you a tax break. It is called deferral.

The company that stays here and makes a profit, pays income taxes. The company that leaves here, makes the same product and makes a profit and ships it back here, pays no taxes unless they repatriate the profit. As long as they keep the profit in that foreign plant, they never pay taxes in the United States. That is a loophole that ought to go, a loophole that says if you move jobs outside the country we will give you a tax break. If we cannot close that tax break, we cannot ever close a tax break in the Internal Revenue Service Code.

Although I was unsuccessful in an amendment to close that loophole, I intend to offer it again in coming Congresses, during this Congress and the next Congress, in the hope that one day we can begin to change the laws, both taxes laws and trade laws, that I think augur against the interests of those who invest here, those who build manufacturing plants here, and, yes, those who work in those plants who expect us to have at least the rules of trade and the rules of the Tax Code be fair to American interests.

Mr. President, I thank the Senator from South Carolina for his indulgence, and I thank the Chair.

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. GREGG. 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. GREGG. Are we in morning business, Mr. President?

The PRESIDING OFFICER. We are in morning business.

Mr. GREGG. I ask unanimous consent to proceed then as in morning business for a period of up to 10 minutes.

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

#### SENDING AMERICAN SOLDIERS TO BOSNIA

Mr. GREGG. Mr. President, as the President tonight begins the process of trying to convince America that we should put American soldiers' lives at risk on the ground in Bosnia, I think it is appropriate to take a look at some of the other foreign policy activities of this administration in the terms of what they represented as being when they originally proposed it and what has occurred in reality.

Probably the most significant example of this administration presenting a policy in one form and having it executed in another form is today being seen in Haiti. When the President decided to go into Haiti—and he did this on a unilateral action, as much as his

policies in Bosnia so far have been unilateral—he stated to us that the purpose of this was to restore democracy, to put back in place the elected leader of a government that had been replaced by a military coup of sorts, and to allow the nation of Haiti to reestablish economic strength and have the capacity to pursue a peaceful and democratic and economically prosperous future.

He told us that our troops would be there briefly and that the cost would not be excessive. I think we need, however, now to take a look at what has actually happened in Haiti, whether or not the policies of the administration as represented have actually come to pass.

First, let us look at the issue of who they have put back in power in Haiti, Mr. Aristide. Has Mr. Aristide turned out to be a democratic individual? I think it would be hard to put that identification on him. He has been an individual who has had a history of being violently anti-American, of being a proponent of Marxist philosophy, of being an individual who has historically proposed the use of violence against his political enemies.

Did he change his way when he was put in as President by us as a nation, using our military? It does not appear he has. In a meeting which took place—it was not a meeting, it was a ceremony of mourning for a person who had been unfortunately killed by violence in Haiti—about a week and half ago, Mr. Aristide called on his supporters to use violence. This is the President of the country, someone who has been put in place by American forces, someone who is protected by American soldiers, calling for the use of violence against the citizens of his country, mob violence against the citizens of his country.

As might be expected, the people of Haiti responded to this call from their President for mob violence with mob violence. It is estimated that many people died, maybe as many as 11; homes were burned, looting occurred, and the streets were on fire. The words that he used to counsel this violence were reported as being, "Go to the neighborhoods where there are big houses and heavy weapons, and retaliate against the big men," inciting the mob to violence. That is the leadership of the individual who we have put the American imprimatur of authority on, who this White House has chosen as their leader in Haiti.

Has he also accepted the fact that elections should occur in December? We are not sure of that. In another recent meeting just a few days ago, there was a nonbinding resolution put forward by his supporters which called on him to remain in office beyond the election for another 3 years. Such action would be inconsistent with, should he undertake it, the constitution, which he is allegedly functioning under in Haiti, which says he cannot succeed himself, and his term is up in February.

What was his response to that nonbinding resolution which was put forward by his own people and which you have to presume he laid a hand in authoring, at least his people did, with his countenance? He said to the delegates, "If you want me for 3 years, I will walk with you. I think what you think," a pretty clear statement that he has no great interest in the elective process or in his own Constitution, which he is allegedly sworn to support.

In addition, of course, the election, which is coming up on December 17, is a fraud and has been made so by President Aristide's party. Four of the five opposition parties have decided not to participate. We know that it is going to essentially be a nonelection election, the purpose of which will be simply a ballot-box-stuffing event for the confirmation of the Aristide party.

The opposition parties have been crushed both through mob violence and through use of a controlled press, and there is very little in the form of what anyone would arguably call democracy occurring in Haiti today. And at what price has this occurred to the American taxpayers and American military?

First off, as I said, we have used our military to basically prop up a dictator in Mr. Aristide. In doing that, we have undermined, in my own estimation, the credibility of American military force, which is not supposed to be used for the purposes of promoting dictatorships but clearly is.

In addition, it is costing us, the taxpayers of this country, approximately \$2.2 billion, or at least that is the best number we can estimate. I think personally that is low, but that is still a lot of money. And \$2.2 billion is all the taxes that are paid by the folks that I represent in New Hampshire in any given year. Somehow I think those folks would have preferred to have their money go to better schools or better environment or better roads somewhere in our country, than to go into the coffers of Mr. Aristide in Haiti.

What has that \$2 billion purchased the people of Haiti? It has purchased them Mr. Aristide back in power, that is correct, but not a great deal more. In fact, as a result of the policies of this administration, we put in place sanctions, which was a mistake to begin with, as I said earlier, when they were put in place, sanctions which ended up terminating essentially the private sector in Haiti. The loss of jobs was dramatic; tens of thousands of jobs which were in the private sector which existed in Haiti were lost as a result of the sanctions.

Have we seen those jobs restored? Has there been a return to democracy, to a market economy in Haiti? Has there been any expansion of the private sector in Haiti? Marginal at best. In fact, Mr. Aristide, who prior to being put back in power as a celeb in residence of this administration when he was here in Georgetown, stated rather aggressively his views that he believed

in a socialist approach to government and since being the President has refused to privatize a number of the state-controlled activities which it was understood he was going to privatize as part of getting the economy going again. And so not only were the jobs lost, and they have not been re-created, as a result of the sanctions, we are seeing an administration in Haiti which has accomplished very little in the effort to create a market force in Haiti. So all in all, it is not a great success story.

But what is really of significant concern—even I think should be of concern for the American people as we go down the road toward the Bosnian debate—is the gap between what was represented was going to happen and what was represented would be and what has occurred, the gap between how Mr. Aristide was defined by this administration and who he really is, which is dramatic, the gap between what then was told to us was going to cost us and what it eventually has cost us, the fact that we may have American soldiers on the ground there well past February when we are supposed to have them out, another example.

And so, as we move down the road on the decision on Bosnia, I think the American people have the right to ask the serious and difficult questions of this administration and to be a little suspicious of the answers and presentations as to what this administration's views and decisions are in Bosnia.

We just recently read—I did not read it, but we heard synopses of a book published by Robert McNamara, who was the Secretary of Defense under John Kennedy and under Lyndon Johnson, and who now states rather openly that he knew the war in Vietnam was wrong, that it was a mistake from a public policy standpoint, but that because of the need to protect, basically, the political position and ego of the Presidency, they continued to pursue the war in Vietnam—truly one of the more disconcerting revelations to come forward from a leader of this country, certainly in this half century, but I suspect a very accurate one.

Maybe we should put a new term in the American language called "McNamaranism." That is when you pursue a policy which you know is substantively wrong but you pursue it because of the political need or the need of the ego or the need of the presentation of the Presidency to the people. You pursue it not because you know it is right substantively, not because you know it is going to correct a problem which you think is there, but because you know, as a member of the policymaker at the highest level in Government, that if you do not pursue it, you are going to put at risk the President's imprimatur of authority, his personal leadership role or his reelection efforts.

McNamaranism—I think that is a term that we should start with and we should identify. Clearly,

McNamaranism occurred in the early sixties. I think a form of McNamaranism has occurred in Haiti. We pursued a policy in Haiti not because we knew we were going to correct that country. We knew that country was going to continue to have serious economic problems and serious political problems no matter what we did, because it has had those problems a long time and we do not have the wherewithal to change that culture unless we are willing to essentially take that country over and dominate it for years, something we tried to do from 1919 to 1935 and failed to do during that period. So we know it will take longer than that length of time, which is when we last occupied that country.

But we went into Haiti because this administration had a political need to go into Haiti, to be quite blunt. There were certain forces within the constituency which support this Presidency who demanded unequivocally that we go into Haiti, and they were effective in making their case. So it was a political decision to go into Haiti, even though substantively we knew we were not going to correct the situation, and we are now seeing the result of that.

McNamaranism struck us in Haiti. Let us hope that McNamaranism does not strike us in Bosnia.

Mr. President, I yield back my time.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

#### PEACE IN BOSNIA AND DEPLOYMENT OF UNITED STATES MILITARY FORCES TO IMPLEMENT THE PEACE

Mr. THURMOND. Mr. President, on Tuesday, November 21, the Presidents of Bosnia, Croatia, and Serbia initialed a peace plan to end the fighting in Bosnia. The peace plan, if implemented and enforced by the parties would result in Bosnia being governed by two entities, the Moslem-Croat Federation, which would have jurisdiction over 51 percent of the territory, and the Serb Republic, which would have jurisdiction over 49 percent of the territory. Sarajevo will remain a united capital, which would fall within the territory of the Moslem-Croat Federation, along with its Serbian-held suburbs.

On Wednesday, the U.N. Security Council voted to lift economic sanctions against Serbia and Montenegro, and also to lift the arms embargo against Bosnia and the other Yugoslavia Republics. The lifting of sanctions will only take place after the peace agreement is signed in Paris and Bosnian Serb military forces are redeployed behind a zone of separation.

The Presidents of Bosnia, Croatia, and Serbia followed up the initialing of the peace plan in Dayton by forwarding identical letters to President Clinton vowing the support of their governments to the implementation and enforcement of the peace agreement and

guaranteeing the security of NATO peacekeeping troops.

However, not less than a week after Balkan leaders initialed this peace agreement, the Bosnian Serbs, led by Radovan Karadzic have demanded the renegotiation of the provisions regarding the future of Sarajevo. While in Sarajevo, Serbs residents are protesting the peace agreement that would place their neighborhoods under the control of the Moslem-Croat Federation. Along the Dalmation Coast, Croats are protesting the turnover of land in exchange for land along a Posavina corridor that would provide better security. Moslem-led Bosnian army soldiers entered a United Nations base in the Bihac enclave, manned by Bangladeshi peacekeepers and took equipment, including vehicles. There were also reports that Croat forces were burning and looting homes in northwestern Bosnia that is scheduled to be turned over to the Serb Republic.

Mr. President, on November 8, the House and Senate leadership met with President Clinton to discuss the situation in Bosnia and the status of the negotiations in Dayton. At that time, I advised the President that I felt he had not convinced the American public, nor the Congress, that it was in the national interests of the United States to deploy United States military forces to implement or enforce the Bosnia peace agreement. I also advised the President that convincing the American public and Congress rested on his shoulders—the President needs to come before the American public and make his case.

The President has not yet convinced the American public, nor the Congress, that the United States has an interest in securing, or ensuring, the implementation or enforcement of a peace agreement in Bosnia. He has not convinced the American public or Congress that European nations in the region where the fighting has taken place, and who would be directly affected if the fighting were to cross the borders of Yugoslavia, need the support of United States military forces.

As a world leader, the United States should exercise its leadership by asking the European Community why it does not view it to be their responsibility to secure, or ensure a lasting peace in Bosnia; if necessary, why they do not employ the necessary military forces, as President Clinton has pledged to do, to implement the peace agreement.

I respect the constitutional prerogatives of the President, as Commander in Chief, to exercise his authority to deploy U.S. military forces. However, the Congress has a constitutional responsibility to balance his check. As a Senator and the chairman of the Senate Armed Services Committee, I have a responsibility to ensure that a thorough and public national debate takes place.

I support the North Atlantic Alliance and believe that the United States should remain engaged in, and show leadership in NATO. I believe that the

United States has obligations under the North Atlantic Treaty. I also believe that the American public and Congress are willing to use U.S. military forces to defend U.S. national security interests.

In an effort to convince the American public and the Congress, President Clinton will address the Nation this evening to defend the United States-brokered Bosnia peace agreement and describe America's national or vital security interests which warrant the need to deploy United States military forces to Bosnia. In short, he needs to convince the public and Congress that it is the proper course of action for the United States to deploy troops to Bosnia.

Mr. President, it is imperative that President Clinton make the case for United States involvement in Bosnia to the American public and gain their support before any United States military forces are deployed to Bosnia. The President must be clear about United States objectives in Bosnia and the risks involved. The decision to deploy U.S. military forces and the length of time spent in the operation should not be based on Presidential politics. The decision to send U.S. military forces has to be based on clear and achievable objectives and goals, and a developed exit strategy.

ADDRESS OF PRESIDENT FIDEL V. RAMOS OF THE PHILIPPINES AT THE EAST WEST CENTER IN HONOLULU

Mr. HATCH. Mr. President, I wish to submit for the RECORD the statement of the distinguished President of the Philippines, Fidel V. Ramos, on the topic of "Regional Cooperation and Economic Development in the Philippines." President Ramos delivered the statement last month as part of the First Hawaiian Lecture Series at the East West Center in Honolulu. The presentation was part of the ongoing efforts of the East West Center to provide a badly needed platform for prominent government and business leaders to comment on relations in the Asia-Pacific region. In this endeavor, the East West Center, Mr. President, has no equals. For the past 25 years it has been the nerve center for bringing together opinion leaders, as is evident from President Ramos' presence.

Mr. President, I offer President Ramos' speech as a matter of great interest to the Members of this body. We need to know what our best friends think of our foreign policy. Clearly, the Philippines, and President Ramos especially, are good friends, good partners, and strong allies of the United States.

In his statement, President Ramos makes an observation regarding the direction of U.S. foreign policy that should not be ignored. In a few words, he tells us not to trust old conventions or concepts that are out of place in the post-cold-war environment. Instead, he says, and I quote:

The United States must redefine its concept of national security in economic and cultural terms. Like the rest of us, America's place in the future world will be determined just as much by the creativity of its workpeople and the daring of its entrepreneurs as by the devastating power of its weapons.

Since virtually all of its trade deficit comes from its East Asian commerce, the United States is looking for a new sense of fairness in its economic relationships with the Asia-Pacific region. Over the past 30 years, the U.S. security umbrella—and the rich U.S. market—have enabled East Asia to prosper. Now American leaders argue that Americans must see their country as sharing in this prosperity—if American taxpayers are to continue supporting their country's continued security engagement in the region.

We of the Philippines have no problem at all with this proposition—particularly since we do not regard economic competition as a winner-take-all or zero-sum contest. In the economic competition, everybody wins—and even the relative "loser" ends up richer than when he started.

I have selected this passage from the text of the speech because it characterizes what I perceive to be the attitude of our Asian-Pacific partners toward expanded trade.

I agree with President Ramos: There is a new post-cold-war competition. We, the United States, cannot afford to distance ourselves from regional and global participation any more than we had assumed the heavy burden of regional and global security during the cold war. Economic competition, like trade, tightens relationships, fosters cultural understanding, and generally produces all winners, even though there may be short-term losses.

President Ramos knows what he's talking about. The trade ties between our countries are strong, with the Philippines ranking as our 26th largest export market. In addition, the U.S. stock of foreign investment in that country stands at nearly \$2 billion. Although this investment has been in manufacturing and banking in the past, the restoration of such former United States military installations as Subic Bay to the Philippines has opened still newer, mutual trade opportunities. Today, U.S. cargo shippers are developing major staging and warehousing facilities there, contributing to our increased trade position in the region.

The Philippines is emerging as a reliable place for Americans to do business. In July 1991, the Government set in motion a major program for the reduction, restructuring, and simplification of tariffs. Its government procurement program does not discriminate against foreign bidders. The Philippines has excised from its books preferential rates for export financing for domestic companies and is a signatory to the GATT Subsidies Code. After some disagreements with the United States on intellectual property protection, the Philippines is drafting new legislation on trademarks, copyrights, and patents that promise to be world class. The importance of the Phil-

ippines intellectual property changes should not be underestimated. The country is largely dependent on imported technology. Today, much of that comes in the form of computer disks, tapes, and other media with embedded software. This software provides computer-based routines for manufacturing, education, medical, and other applications of technology essential to national growth. Indeed, much of this software comes from my own State of Utah. Without appropriate protection of their property, exporters of technology would be very reluctant to market it abroad.

While there are some deficiencies remaining in the country's trade statutes, we should commend the Philippines for their rate of progress in the past 5 years alone.

Clearly, the pace at which the Philippines is entering the world trade arena will establish it as a competitive and worthy partner of which all fair trade countries will want to take notice. For these and the reasons stated earlier, I commend the balance of President Ramos' remarks to the RECORD and ask unanimous consent that the entire speech be printed in the RECORD.

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

AMERICA'S ROLE IN EAST ASIA

(Address of H.E. President Fidel V. Ramos, before the East-West Center, October 16, 1995)

INTRODUCTION AND THEME STATEMENT

From your vantage point here on these lovely islands, even to doubt whether the United States will remain an Asia-Pacific power seems no less than ridiculous.

But perspectives shift with longitude—and I must tell you that concerns about America's staying power—specifically, concerns about the strength of the U.S. commitment to intervene in future regional crises—are beginning to preoccupy most countries in East Asia.

Over this past generation, the regional stability underwritten by the United States has given our countries the leisure to cultivate economic growth. Now the fear is widespread among them that the United States is turning inward—that it will revert to the isolationism which has characterized its foreign policy throughout much of its history.

I must add that we of the Philippines believe the United States will remain in the Asia-Pacific—and not out of altruism, but in its own interest.

You more than any others realize how the tilt of U.S. population away from its Atlantic Coast, the influx of Asian migrants, and the attraction of East Asian trade and investments have made your country a true Asia-Pacific power.

And so it cannot afford to leave the Asian Continent in the hands of a single dominant power—any more than it could tolerate Western Europe's being in the same situation.

America's role in East Asia is my topic here this afternoon. Let me summarize the four points I wish to make before I elaborate on them:

First—over the foreseeable future, the United States must continue to be the fulcrum of East Asia's balance of power.

Second—economic competition between the United States and East Asia is not "winner-take-all" but a game both sides can win.

A vigorous American economy is just as good for East Asia as it is for Americans themselves.

Third—now that political values have become just as important as traditional security concerns and economic interests in the relations between countries, I ask you not to underestimate the power of America's democratic ideals to help shape East Asian political systems.

Fourth—America's military hegemony in the post-cold war period gives it the historic opportunity to bring political morality to international relationships—to shape a moral world order. And this is a chance America must grasp—before it slips away.

Now let me take up these four points one by one.

#### FULCRUM OF THE EAST ASIAN BALANCE OF POWER

Over these last 50 years, the sustained United States presence in East Asia—and its willingness to mediate East Asia's conflicts—have ensured there would be no repetition of the Korean war—and that the Vietnam war “dominoes” would fall the other way.

By interposing itself between the Chinese civil war protagonists across the Taiwan Straits, the United States presence enabled Beijing and Taipei to cool off their enmities—and in fact to cooperate in the South China growth triangle with Hong Kong. The United States has also acted as a buffer between Japan and China—and between them separately and the Soviet Union.

The cold war's end has not ended the usefulness of the American presence. Over the foreseeable future, the United States must continue to be the main prop of the East Asian balance of power—if only to preserve the bubble of stability that keeps East Asia's “economic miracle” going.

In this role, the United States has no competitor. Its military presence is—uniquely—acceptable to all the powers with legitimate interests in the region.

Over the future we contemplate, Russia's energies will be directed inward—to problems at home—and to relationships with its commonwealth neighbors in the former Soviet Union.

Meanwhile, fifty years after the Pacific war, Japan has neither completely reconciled with East Asia nor decided on its new role in the region.

#### CHINA WILL BE EAST ASIA'S MOST SERIOUS CONCERN

China—over these next 25 years—by the World Bank's estimate—will become the world's largest economy. Over this next quarter-century, China will unavoidably press—politically and militarily—on East Asia, even if Beijing made no effort to build up its capability to project power beyond its strategic borders.

How China exercises its political and military clout must concern us all. (The opposite possibility—of China's economic collapse and its reversion to “Warlordism”—is, if anything, even more alarming.)

The allies in Western Europe solved a roughly similar problem by integrating postwar Germany into the European Union. So must we endeavor to integrate China into the Asia-Pacific Community—economically through the Asia-Pacific Economic Cooperation [APEC] and politically through the Asean Regional Forum [ARF]—if we are to have lasting regional stability.

Only with America's help—only with America's leadership—can this be carried out successfully.

China and the United States—the “Elephant” and the “Whale,” Walter Lippmann once called them—one a land—and the other a maritime-power, so that their interests were not antagonistic but complementary.

But, today, the elephant is learning to swim: China is building itself a blue-water navy. Since the collapse of the Soviet Union, America's political and military dominance has been unchallenged. Is China gearing up to become the only counterforce to United States hegemony in the post-cold war world?

Over these past 15 years or so, China has set aside its historical grievances, its ideological mission and its geopolitical ambitions in its pursuit of economic growth. Will it return to these causes once its economic growth is assured?

China's encroachment into mischief reef—part of our Kalayaan (Freedom) group of islets in the Spratlys—should warn us that China claims nearly two million square miles of land in adjacent countries; and that it also has unresolved territorial or maritime disputes with Russia, India, North Korea, Tajikistan, Japan, Vietnam, Malaysia, Brunei, and Indonesia—any one of which could spark off a local conflict.

#### CONTAINMENT OR ENGAGEMENT?

How are we—its neighbors—to deal with China?

The debate rages between those who urge “containment”—after the way the west restrained an expansionist U.S.S.R. in the early years of the cold war—and those who believe China's “engagement” into our peaceful network of economic and political institutions to be the better course.

We in the Philippines believe we must apply one or the other response as the emerging situation demands.

We must discourage any Chinese aggressiveness—yes—but we must also encourage every trend that ties the Chinese economy more tightly to those of its neighbors in the Asia-Pacific.

Obviously, we cannot approach today's China with preconceived notions when this huge and complex country—a civilization in itself—is in the middle of such an epochal transition.

This is why the Asean states refuse to commit themselves prematurely to the proposal for “prepositioning” United States materiel.

This caution is partly a lesson remembered from the colonial period—when the weak were wise to stay away from the quarrels of the strong. But it also results from an appreciation of the chance that the dismantling of the American naval and air bases removes a potential provocation to Asean's giant neighbor—and invites China to live-and-let-live with Southeast Asia.

Meanwhile, even the reduced United States deployments close to the Asean region are a counterweight enough in the region's security balance.

Some say that, if Beijing should continue encroaching on the South China Sea, then this aggressiveness will accelerate security cooperation among the Southeast Asian countries—and between them and the United States.

But, for the moment, the Asean states are betting that interdependence and intensified cooperation will preempt the rise of longstanding political antagonisms.

Economic interdependence may not by itself prevent conflicts. But it does raise the cost—and the threshold—for using force, especially among the great powers.

#### JAPAN, OUR OTHER MAIN CONCERN

About Japan, we of the Philippines have two basic concerns. The first is that the alliance between Japan and the United States must be preserved; and the second is that Japan must find a political role in the world proportionate to its economic power.

Like all the other Southeast Asian countries, we want Japan's alliance with the United States to continue—although we now accept the alliance must be redefined into something closer to a genuine partnership.

There is an inherent anomaly—similar to the original West European effort to keep apart the two Germanys—in today's Japan remaining a strategic client of the United States. This can only fan an unhealthy kind of nationalism in a country acutely aware of both its economic strength and its cultural uniqueness—increasing the danger that the trade disputes of the United States and Japan would spill over into their security relationship.

The Philippines supports—within the context of United Nations reforms—Japan's bid for a permanent seat in the Security Council.

We see this as enhancing Japan's integration into the world community. And we are reasonably confident Japan's political role will be exercised on the side of peace—if only because the Japanese people have suffered so much of war.

To sum up this section—we of the Philippines believe any dilution of the American commitment to East Asian stability will severely undermine regional confidence—put an end to the region's economic miracle—and perhaps set off an arms race that could have incalculable, tragic consequences for all of us.

Let me now turn to the economic ties between the United States and East Asia.

#### ECONOMIC TIES BETWEEN U.S. AND EAST ASIA

Economic interdependence among the Asia-Pacific countries has largely been market-driven: Only now are the APEC governments trying to manage it. And the key to the region's tremendous growth has been the shift to free-market economies among its democratic and authoritarian states alike.

Already the United States exports more to East Asia than it does to its traditional markets in Europe and Latin America. And East Asia's market is becoming even more attractive.

By the year 2000, the World Bank estimates that half the growth in the global economy will come from East Asia alone. In five years' time, one billion East Asians will have significant consumer spending power; and of these, 400 million will have average disposable income as high as their European or American counterparts, if not higher.

This means the economic dimension to Asia-Pacific relationships will be stronger than it is already.

Like the rest of us, the United States must redefine its concept of national security in economic and cultural terms.

Like the rest of us, America's place in the future world will be determined just as much by the creativity of its workpeople and the daring of its entrepreneurs as by the devastating power of its weapons.

Since virtually all of its trade deficit comes from its East Asian commerce, the United States is looking for a new sense of fairness in its economic relationships with the Asia-Pacific region.

Over the past 30 years, the United States security umbrella—and the rich United States market—have enabled East Asia to prosper. Now American leaders argue that Americans must see their country as sharing in this prosperity—if American taxpayers are to continue supporting their country's continued security engagement in the region.

We of the Philippines have no problem at all with this proposition—particularly since we do not regard economic rivalry as a winner-take all or zero-sum contest. In economic competition, everybody wins—and even the relative “loser” ends up richer than when he started.

Since it takes two to trade, a strong American economy is as good for us in East Asia as it is for you in America.



In sum—we do not want an underperforming, undersaving, under-investing American economy any more than you do—if only because a weakened American economy will trigger off strong protectionist tendencies in the United States.

THE U.S. AS AN INFLUENCE ON EAST ASIAN  
DEMOCRATIZATION

Ladies and gentlemen:

Over the past half-century, a spacious sense of its self-interest has impelled the United States to help shape East Asian development—in fact, to make East Asian development happen.

And this enlightened self-interest derives from the very idea that is America. Its Founding Fathers saw their country as a venture greater than just another national enterprise. They saw their country as bringing a message of revolutionary enlightenment to all humankind.

That revolutionary message has not lost its relevance—particularly for East Asian people who—as they become richer and more secure—are demanding respect from their rulers—and a say in how they are governed.

Authoritarian regimes may seek their legitimacy by sponsoring capitalist growth. But economic development cannot—forever—substitute for democracy. And it is to the idea of America that East Asia looks—in its groping for freedom. Look at how the Chinese student-militants of 1989 dared to raise a 30-foot plaster model of the Statue of Liberty on Tiananmen Square.

During the cold war, America was sometimes accused of a cynical willingness to sacrifice democracy abroad to preserve democracy at home. Now, at last, America can reconcile power and morality in its foreign relations.

Despite a decline in its relative wealth, capacity and influence, the United States today is the world's only superpower. And it is at the cutting edge of a revolution in both military technology and doctrine which promises to preserve its military preeminence in the world for at least another generation.

Because of its hegemonic power, America "can afford the luxury of attending to principle."

America can be to the world what its founders meant it to be—the ultimate refuge of all those "yearning to breathe free."

WORTHWHILE CAUSES FOR AMERICAN IDEALISM

And—although the ideological challenge from messianic communism has collapsed—there is no lack of worthwhile causes for American idealism.

We are as far away from a stable—and moral—international order as we were at the end of World War II. Far too many regions of the world are still subject to regimes of varying barbarism; while other national societies are disintegrating in anarchy.

If only America can gather its resolve, it can also lead the global community to begin dealing with the tremendous income disparities among nations—and alleviating the mass-poverty of regions like South Asia and sub-Saharan Africa.

Then there is the care and protection of the global environment—a task so susceptible to the free-rider axiom that it needs exceptional leadership to organize effectively and equitably.

In these vital missions of reawakening America to its historical role—and of propagating in the Asia-Pacific the ideals and values America stands for—this center of intellect and scholarship will continue to play an ever-increasing role.

Throughout its time on Earth, humankind has been striving for the ideal society. Unless we of the Asia-Pacific and America embark on a win-win Direction, that ideal may forever remain beyond our grasp.

But, if America remains true to its original sense of revolutionary enlightenment, perhaps it can lead the world to approximate that ideal: To banish pain and fear and hunger—to bring a measure of peace and prosperity to every region—to enable every nation to discover the extraordinary possibilities of ordinary people.

Thank you and good day!

PROTECTING PROPERTY RIGHTS

Mr. HATCH. Mr. President, as my colleagues are aware, I have introduced legislation to reform the way property owners are treated by the Government. My legislation would encourage, support, and promote the private ownership of property by clarifying existing laws and creating a more uniform and efficient process by which these rights are protected. In short, it seeks to protect the rights of citizens as envisioned by the Framers of the Constitution.

Recently, however, critics have misinterpreted some of the bill's provisions. For example, some have stated that this bill would cost the taxpayers billions of dollars to implement or that it would force the Government to pay polluters to clean up their act. These fears are not warranted.

I was encouraged by an editorial in Salt Lake City's Deseret News headlined "Enough with half-truths about property rights bill." This editorial dispels the myths and misconceptions about property rights legislation. I commend it to my colleagues. Mr. President, I ask unanimous consent that the text be printed in the RECORD.

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

[From the Salt Lake City Deseret News,  
Nov. 20, 1995]

ENOUGH WITH HALF-TRUTHS ABOUT PROPERTY  
RIGHTS BILL

Politicians and activists must think they are terribly clever when they toss around inaccuracies and inflated half-truths in order to win public sentiment.

Take, for instance, the attacks on Sen. Orrin Hatch's omnibus Property Rights Act, which is set to break out of the Judiciary Committee before Thanksgiving. In recent days, critics, including President Clinton, have ranted about the Utah's senator's attempts, through the bill, to force the government to "pay polluters" to clean up their operations. They have carried on about the bill's enormous costs to government (some have placed the figure in the tens of billions of dollars).

These are arguments certain to strike fear in the heart of every sober-minded American concerned with the environment and taxes—just in time for Halloween. Trouble is, they are as hollow as jack-o'-lanterns.

Critics are conveniently overlooking this sentence in the bill: "The government is not required to pay compensation in cases when the property is a nuisance." Whoops.

Polluters, by anyone's definition, are nuisances. If the government can prove the item in question—say, a belching smoke stack or a toxic waste dump—is a nuisance, it won't have to pay compensation. No one will be paying polluters, after all.

Critics also are overlooking, or perhaps ignoring, a study recently released by the Congressional Budget Office showing the bill

would cost only up to \$40 million annually, and then only for the first few years. After that, costs would drop because agencies would avoid actions that could lead to protests by property owners. Whoops, again.

The bill is a reasonable attempt to clarify and solve a conundrum as old as the republic. While the Fifth Amendment prevents the taking of private property for public use without compensation, government must retain the right to pass regulations for the greater good of society.

Justice Oliver Wendell Holmes set the current standard for this balancing act in a 1922 Supreme Court ruling when he said, "... if regulation goes too far, it will be recognized as a taking."

Hatch's bill merely attempts to define "too far," and it would make the burden of protesting such takings less onerous for the average citizen.

Horror stories abound of small-property owners who find they can't build on their land because of wetlands or endangered species regulations. Critics have tried to diminish the impact of these stories, but they can't explain away the witnesses who have testified of them at congressional hearings. Environmental laws are indeed important and necessary, but so are property rights.

So far, 18 states have passed similar compensation laws. The House recently passed a bill that in some ways goes farther than Hatch's version. It would compensate anyone whose property was diminished in value by 20 percent, while the Hatch version requires owners to prove a 33 percent loss.

No doubt, Congress eventually will pass a compromise version of the two bills. When it does, the planet will not spin off its axis.

The Hatch bill is not above reproach. For example, it would prohibit agencies from entering private property without the consent of the owner—a prohibition that could keep the government from ever gathering facts about a nuisance.

Critics of the Property Rights Act should read it sometime, rather than amusing themselves with strange fictions.

HE PUT OUR RIGHT TO LIVE OVER  
OUR RIGHT TO KNOW

Mr. HELMS. Mr. President, in early October John Scali died, the obituaries stated, of heart failure—which is interesting because John Scali was a gentleman known by his friends as being "good-hearted." I had known John for many years in many ways and I never heard him boast, even once.

John Scali had a quiet greatness that carried him to a distinguished career as an honorable and objective journalist for ABC television, later as an adviser to President Nixon, and then as successor to George Bush as U.S. Ambassador to the United Nations.

I first met John Scali during his and my television days; he with ABC-TV in Washington and I with WRAL-TV in Raleigh. When I was elected to the Senate in 1972 John was one of the first to call. When I arrived in the Senate in January 1973 as a new boy on the block, I saw John Scali more often. He stopped by many times, seldom for an interview but mostly as a friend.

There were a few lines in a few obituaries about John that deserved more attention than they got concerning John Scali's remarkable involvement



in pulling back the Soviet Union and the United States from what may have been the brink of war in 1962.

Mr. President, John Scali kept this episode a secret, and at this point, I shall bring to the Senate's attention a column by my longtime friend, Max Freedman, himself an erudite gentleman whose very credible thoughts appear regularly in the *Jewish Journal* published in New York City. At this point, Mr. President, let Max take over.

I therefore ask unanimous consent that the Max Freedman column of November 24 be printed in the *RECORD* at the conclusion of my remarks.

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

[From the *Jewish Herald*, Nov. 24, 1995]

HE PUT OUR RIGHT TO LIVE OVER OUR RIGHT TO KNOW

(By C.H. Freedman)

The greatest tribute to John A Scali in his recent obituary was that most readers had not been that familiar with him.

Such relative non-celebrity status was what made the former ABC correspondent one of the noblest Americans ever.

Scali could have been a "superstar" journalist had he so chosen. Next to him, such names as Cronkite, Donaldson, Woodward and Bernstein would now be comparative bush leaguers had he embraced the same "journalistic ethic" many of them do.

Scali had what was arguably the greatest scoop of all time during the Cuban missile crisis in October 1962—and forwent it for the sake of America and civilization.

I recall the time all too vividly. With city-obliterating Soviet missiles pointed at us and ours at them, and our next day's very existence predicated on national egos and on two posturing leaders' flashpoints, most of us were shaking in our pre-L.L. Bean boots.

In the midst of this national trauma, the Washington-based Scali unexpectedly received a call from one Aleksandr Fomin, counselor of the Soviet Embassy. Fomin, whom Scali knew to be the head of Soviet intelligence in this country, invited him to lunch.

"I'd already had lunch," recalled Scali, "but his voice was so urgent and insistent that I decided to go immediately."

At the Occidental Restaurant, almost in the shadow of the White House, Fomin made an astonishing proposal.

"After the waiter had taken our order," Scali recounted, Fomin "came right to the point and said, 'War seems about to break out; something must be done.'"

Scali recalled answering, "Well, you should have thought of that before you introduced the missiles" in Cuba.

"There might be a way out" of the impending conflict, said Fomin. Suppose that "we would promise to remove our missiles under United Nations inspection and promise never to introduce such offensive missiles into Cuba again? Would President Kennedy be willing to promise publicly not to invade Cuba?"

Scali judiciously replied that he didn't know, but was "willing to try and find out."

To Scali's eternal credit, he forsook his journalism "ethic"—which, to many, demands such story be propagated forthwith—and instead assumed the role of patriot. In the days that followed, he became an unnoticed, unheralded courier shuttling between the White House and the Soviets until the crisis was peacefully resolved.

Not until 1964, when the lines in the sand were long since washed away, did Scali go public with the story.

He received no great tributes then—or at any time since—for the noble career sacrifice he had made two years earlier.

Imagine, especially if you're a devotee of what-if fiction, what the scenario might have been if, say, Fomin had gotten a steady busy signal on Scali's line and in his urgency called one of the dozens of other such correspondents in Washington.

Not necessarily someone like Lyle Denniston of the *Baltimore Sun*—who once told an interviewer that if he'd been old enough for World War II he would have reported the atom-bomb secret or the time and place of the upcoming D-Day invasion; indeed, he boasted, he would have even stolen such war-forfeiting information. "They would have made good stories," he explained. No, Fomin needn't have reached a Lyle Denniston to risk turning us into radioactive cinders; a much more moderate practitioner of the craft would have done just fine—say, one of the thousands of Denniston's colleagues who would never publicly proclaim what he did, but who condone, if not heartily approve of, his stance.

Such reporter would have solemnly agreed to Fomin's request, finished lunch, smiled reassuringly as he or she waved poh-kah (friendly, informal Russian "goodbye") to Fomin, then established a world's record dash—not to the White House, but to his or her newsroom.

There, a pious morality play would be staged by reporter and editors: national security versus that pompously invoked "public's right to know!"

And don't you dare even think that we idealistic journalists, in making such solemn decision, would consider such crass things as instant personal fame, skyrocketing circulation and the like.

But, blessedly, Fomin did not get that busy signal. And thus did not turn to someone who would have broken the story that, given the lost "face-saving" element, could well have led to this city and others becoming Hiroshima II.

It's sad enough to note here that John Scali was never given a fraction of the tribute he would have received had he sold out his soul and America by breaking that story. But besides being denied his moral due, he was treated shabbily in a more direct way.

Based on Scali's expertise in international matters, in 1971 President Nixon appointed him special consultant for foreign affairs and communications; two years later, Nixon named him to replace George Bush as our representative to the United Nations.

But when Gerald Ford assumed the presidency, he unceremoniously dumped this man who had performed so admirably at the post.

To be charitable toward Ford, such action demonstrated that playing football without a helmet does indeed diminish one's reasoning ability.

To be less charitable, it provided further insight into the character of a president who owed his career and prominence to conservatives—and showed his gratitude by choosing as his vice president, the original "Rockefeller-liberal Republican," Nelson.

Had Scali, 33 years ago, embraced the "ethic" of many journalists, there's an excellent chance Ford wouldn't even have been around to take over the Oval Office in 1974; indeed, there might not have even been an Oval Office. Or much of a citizenry left to care about one.

That concept is probably beyond the capacity of Gerald Ford. But maybe some less-dense influential Americans might show belated appreciation to a newsman, John A. Scali, to whom this scared-silly-in-'62 American, for one, feels eternally grateful.

#### THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, the skyrocketing Federal debt is now slightly in excess of \$13 billion shy of \$5 trillion.

As of the close of business Friday, November 24, the Federal debt—down to the penny—stood at exactly \$4,989,260,237,257.80 or \$18,939.32 on a per capita basis for every man, woman, and child.

#### PRESENTATION OF THE CROIX DE GUERRE WITH SILVER STAR TO GOV. HUGH L. CAREY

Mr. MOYNIHAN. Mr. President, of the many commemorative ceremonies held on Veterans Day, November 11, one event had particular significance for the Honorable Hugh L. Carey, the former Governor of the State of New York, and for his family and many friends.

More than 50 years ago, Hugh Carey, then a young officer with the "Timberwolves" of the 104th Infantry Division, United States Army, led a patrol near the Elbe River in Germany. The patrol encountered an encampment of German soldiers who, unaware that Germany had surrendered several days earlier, were holding a large number of French prisoners. A fight broke out, and the Germans were overtaken by the American patrol. This capture by the American soldiers led to the discovery of some 35,000 French prisoners, who were then freed by the Allies.

For his extraordinary valor in this mission, Hugh Carey was awarded the Croix de Guerre with Silver Star, one of France's most esteemed military decorations. Yet, owing to the unpredictabilities of war, he was unable to attend the presentation ceremony for the Croix de Guerre.

Time passed, and Hugh L. Carey continued his service to his country. He was ultimately discharged from active duty with the rank of colonel, and went on to serve as a Member of the House of Representatives and as Governor of New York, raising 14 children with his late wife Helen along the way.

Last Saturday, in a special ceremony at Dacor Bacon House here in Washington, Governor Carey finally got that medal. He was presented the Croix de Guerre with Silver Star by Brig. Gen. Gerard de Bastier on behalf of the Republic of France. The decoration was given in recognition of Governor Carey's "outstanding services during the operations of the liberation of France."

Earlier that day, Governor Carey joined President Clinton at the dedication of the site for the World War II Memorial at The Rainbow Pool on The Mall. As vice chairman of the American Battle Monuments Commission, Governor Carey pursued the establishment of this memorial with his usual vigor and unbounded enthusiasm. His commitment to the project has been such that at one point he even telephoned this Senator about it from his

bed at Lenox Hill Hospital in New York, where he was recuperating from back surgery. He later remarked to the New York Times that his back condition was due to carrying an infantryman's rifle during World War II and the weight of the state budget on his back for two terms as Governor.

So it was fitting indeed that on the same day that Governor Carey's efforts to honor veterans of the Second World War reached fruition, a grateful ally took the occasion to honor him.

Mr. President, I salute my gallant friend Gov. Hugh Carey on this great and richly deserved honor, and I ask unanimous consent that the tribute by Brig. Gen. Gerard de Bastier and other material be printed in the RECORD.

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

THE PRESENTATION OF THE CROIX DE GUERRE  
WITH SILVER STAR TO GOVERNOR HUGH L.  
CAREY

On this Veterans Day, November 11, 1995, Governor Hugh L. Carey receives one of France's most esteemed military medals. Brigadier General Gérard de Bastier, Defense and Air Attache to the French Embassy, presents Governor Carey with the medal he earned more than fifty years ago for his valor in World War II. Governor Carey is cited for this distinguished military decoration for his efforts in leading a patrol to free French citizens, imprisoned near the Elbe River by German SS Guards, who were unaware that Germany had officially surrendered days before, in May of 1945. Governor Carey's patrol came upon the German soldiers and their prisoners unexpectedly, and a fight broke out. After Governor Carey's patrol overtook the group, they discovered many other prisoners who had been held by Germany since the beginning of the war. Encampments totaling thirty-five thousand French prisoners, both military and civilians, were eventually found by the Allies.

In 1939, Governor Carey enlisted in the New York National Guard as a Private in the 101st Cavalry, Squadron C. As a Major in the 104th Infantry Division, known as the "Timberwolves," he served as the S-3 in the Regimental command of the 415th Infantry Regiment. The 104th Infantry Division was the first American Division to land directly on the European continent in Normandy without first going to England. The 415th Infantry Regiment's debarkation at Utah Beach began on September 7, 1944, while the other units of the Division debarked at the Cherbourg harbor. Some of the first duties of the Division included supplementing the Red Ball Express to expedite the supplies to the front and to guard the supply lines from Cherbourg to Paris.

Governor Carey served with the Timberwolf Division in its hard fought, ten-month campaign across Northern France and Holland, leading some of the first American troops across the Rhine, and effected the liberation of the Nordhausen concentration camp. A recipient of the Combat Infantryman's Award and the Bronze Star with Oak Leaf Clusters, as well as the Croix de Guerre with Silver Star, he left active duty with the rank of Colonel.

After his distinguished service in World War II, Governor Carey further served his country as a Member of the U.S. House of Representatives and as Governor of the State of New York.

Earlier today, President Clinton dedicated the site for the World War II Memorial to be

built on the Mall in Washington, D.C. Governor Carey is a Commissioner of the American Battle Monuments Commission, and he has been an ardent supporter of the memorial, recently approved by Congress. Governor Carey has represented the United States at events commemorating the 50th anniversary of the end of World War II. His family, friends, and colleagues salute Governor Hugh L. Carey for the honor he receives today from the Republic of France and for his exceptional contributions to the United States of America.

REMARKS OF BRIG. GEN. GÉRARD DE BASTIER

Governor Carey, Governors, Commissioners, ladies and gentlemen:

Today is the date of a very important anniversary in the memories of our nations, which gives a special meaning to this ceremony taking place right after the dedication of the World War II memorial site.

It is a great honor and privilege to be with you today to honor Governor Carey in recognition of his outstanding service during World War II.

I would like to start by saying a few words about Governor Carey's career.

You were born in Brooklyn, maybe just a few years before me! And were graduated from St. Johns' University Law School with the degree of juris doctor.

In 1939, you enlisted as a private in the 101st Cavalry of the New York National Guard. You were later sent to Europe with the 104th Infantry Division known as the Timber Wolves. This division was the first American division to land on the European Continent without first going through England.

After your exceptional campaign in France, you had an outstanding career in civilian and political areas, and you served on various boards.

Finally, in 1993, President Clinton appointed you to the American Battle Monuments Commission, and I should also mention that you represented the United States at various ceremonies commemorating the end of World War II.

The ties between our two countries have always been strong despite our differences, and we have been together, along the road since your revolutionary war. Last month, we celebrated together the battle of Yorktown with the names of General Rochambeau and Admiral De Grasse engraved in our memories.

I was born in 1945, and did not witness the war, but my childhood was filled with stories from my parents recounting the time when the U.S. military headquarters were set up near their house in Marseilles, after the U.S. landing on the Riviera (the "Côte d'Azur").

Governor Carey, you were in Europe in 1944, fighting for the freedom of our nations.

The Timberwolf division fought during a ten-month campaign across Northern France and Holland, leading some of the first American troops across the Rhine, and liberated the Nordhausen concentration camp.

You earned this esteemed military decoration for leading a patrol to free French citizens imprisoned near the Elbe River by German SS guards, who were unaware that Germany had officially surrendered days before, in May of 1945. Your patrol came upon the German soldiers and their prisoners unexpectedly, and a fight broke out.

After your patrol overtook the group, you discovered many other prisoners who had been held by Germany since the beginning of the war. Encampments totaling thirty-five thousand French prisoners, both military and civilians were eventually found by the allies.

For these actions, you received the combat infantryman's award and the Bronze Star with Oak Leaf Cluster.

For some unknown reasons, you never received officially the citation awarding you of the Croix de Guerre with Silver Star.

This ceremony is a testimony to the long friendship between our two countries, and it is a great honor for me to present now this award to you.

Today, Colonel Hugh Carey, on behalf of the French defense minister, I am presenting to you the medal of the Croix de Guerre with Silver Star, in recognition of your outstanding services during the operations of the liberation of France. (Paris, le 1er Avril 1946).

THE CROIX DE GUERRE 1939-1945

The War Cross 1939-1945 (Croix de Guerre 1939-1945) was instituted on September 26, 1939 as a decoration for the Second World War. The decoration was conferrable on officers, noncommissioned officers and men of the Armed Forces, citizens of France and foreigners, who had been mentioned in dispatches for acts of exceptional bravery, and in special cases, also on military units, towns and civilians.

The Cross is a Maltese Cross in bronze with crossed swords between the arms of the cross. The obverse medallion bears the symbolic female head of the Republic with the legend "Republique Française" (The French Republic), and the reverse medallion bears the date "1939" or sometimes "1939-1945". The Cross is worn on a red chest riband with four green stripes, which according to the nature of the dispatch, is provided with a palm in bronze or a star in bronze or silver.

CONCERNING LONG-TERM DEFICIT  
IMPLICATIONS OF REPUBLICAN  
TAX CUTS

Mr. MOYNIHAN. Mr. President, just prior to the Thanksgiving recess, the Republican conferees for the budget reconciliation bill agreed to a 7-year deficit reduction plan that included a tax cut purporting to cost \$245 billion. The Democratic conferees were excluded from all deliberations of the conference.

I have previously expressed my concern about tax cuts of this magnitude in the face of annual deficits and the accumulated national debt. The conference agreement falls far short of paying for these cuts—the tax cuts will cause the cumulative deficit to increase over the next 7 years by \$200 billion more than it would without them. We will be forced to borrow to pay for them. When one considers the fact that elsewhere in the Republican budget agreement taxes are being raised on families making \$30,000 or less, we see that there is very curious social policy being advanced as well.

Today, however, I would like to focus on another troubling aspect of these tax cuts. The true cost of the cuts explodes once you get beyond the initial 7 years that are counted for estimation purposes. The cost of several of the tax cuts doubles or triples when you include the 8th, 9th and 10th years, as compared to the first 7. This is no accident. The tax cut provisions are deliberately crafted so that their true costs do not begin to show up until after the initial 7 years. That way, they do not show up in the 7-year plan to balance the budget.

The magnitude of the out year costs can be found in figures provided to me by the Joint Committee on Taxation, dated November 16, 1995. When the majority released their conference agreement on the deficit reduction bill, they provided revenue tables that covered only the first 7 years. I asked the Joint Tax Committee staff to provide figures showing the revenue effect of the tax cuts for an additional 3 years beyond what had previously been disclosed. That is, for the first 10 years after enactment.

What is shown on these 10-year revenue estimates is astonishing.

The analysis provided by the Joint Tax Committee shows that the total cost of the tax cuts starts out at \$245 billion over the first 7 years, but then in the short span of the next 3 years another \$171 billion is added. The average annual revenue loss is about \$35 billion over the first 7 years, but rises to an average of \$57 billion per year for the 3 years after 2002.

Three provisions, in particular, stand out. First, the cost of the capital gains cuts for individuals more than doubles over 10 years, as compared to the cost for the first 7 years—from \$28.8 billion to \$70 billion. Second, the expansion of individual retirement accounts [IRA's] in the bill costs \$11.8 billion over 7 years, but nearly triples to \$32.5 billion when you include the 3 years after 2002. Third, the cost of reductions in the estate tax more than doubles from \$12.3 billion over 7 years to \$25.5 billion over 10 years. Other provisions that show rapid out year growth include the reduction in the marriage penalty on couples filing joint returns and the expansion of the self-employed health insurance deduction.

In part, the explosion in the long-term revenue costs of these tax cuts results from the attempt to hide their true impact, by drafting them so that they do not take full effect until after the 7-year budget window is closed. Possibly the most egregious example is the provision that permits indexing of capital assets. Under this provision, taxpayers can exclude from their taxable income capital gains on qualifying assets resulting from inflation after calendar year 2000. To qualify, an asset generally must be purchased after 2000 and be held for over 3 years. Thus, the revenue cost of indexing does not show up until 2004 and thereafter, that is, conveniently outside the 7-year budget window.

The indexing provision, however, would permit taxpayers to treat assets purchased prior to 2000 as newly purchased assets eligible for indexing if they elect to pay taxes on the appreciation in the assets at the time of the election. This results in a speedup of tax revenues, allowing the Republicans to score about \$10 billion of accelerated tax revenues inside the last 2 years of the budget window.

The 10-year revenue numbers evince an effort by the right to starve the beast—that is, to cut off funding for

the Federal Government. The extreme growth in revenue loss outside the budget window is ominous because the spending reductions in the bill are far from certain to occur. A recent Washington Post editorial entitled "Time Bomb in the Budget" states:

... the deeper the ultimate tax cuts in the plan, the deeper the spending cuts must also be to keep up. And some of these spending cuts are too deep to sustain. The focus in the fight thus far has almost all been on what would happen in the first 7 years of this plan. That's fine, but it makes no sense to solve a problem in that period only to begin to create it all over again immediately thereafter.

Mr. Moynihan's 10-year chart is a useful warning. The government shouldn't be mortgaging its future by cutting taxes that in the long run it will need to fulfill its basic responsibilities.

Mr. President, I ask unanimous consent that the entire text of this editorial be printed in the RECORD, along with another article on this topic from the Washington Post, dated November 23, 1995.

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

[From the Washington Post, Nov. 22, 1995]

#### TIME BOMB IN THE BUDGET

The tax cuts and some of the spending cuts in the Republicans' seven-year package would ultimately be much larger than the official estimates suggest. That's because as they were written their full effect would not be felt until after or near the end of the seven-year period for which the estimates were made.

These delayed-action mechanisms should be an issue in the talks about the begin between the president and Congress. You cannot achieve a better balance between the resources and responsibilities of the government with these slow-developing tax cuts whose long-term effect would be to create a new imbalance. It was known all along that some of the tax cuts in the plan were backloaded. In the House-Senate conference they became much more so. Sen. Daniel Patrick Moynihan asked the staff of the Joint Tax Committee for long-term estimates of how the bill would affect revenue, not just for seven years but for 10. In the 10th year the diminution of revenue caused by these tax cuts would be 75 percent greater than in the seventh year; that's how much of the full cost the tax-writing committees postponed.

Most of the postponement would come in capital gains. The conferees agreed not just to cut the capital gains tax but to begin adjusting gains for inflation, so that when an asset was sold the government would tax only the increase in value in excess of the inflation rate. The inflation adjustments wouldn't begin until the year 2001, however. That and other steps conceal their cost. The tax cut to end the so-called marriage penalty on two-earner couples filing joint returns was also largely delayed until the period 2003 to 2005, and there are other examples.

A lot of the spending cuts in the plan have been backloaded all along as well. Medicaid may be the best example. The cut in projected spending for the full seven years—all seven combined—would be 17 percent; that is the figure most often cited. But it is misleading, because the cuts in the early years would be small and grow progressively larger. By the seventh year the cut on an annual basis would amount to 28 percent.

Nor does even that do justice to what might happen to the program, it turns out.

That's because the conferees also eased the rules governing how much states would have to spend to qualify for their federal funds. If hard-pressed states were to spend the least they could and still qualify for their full federal grants, the federal and state governments together by the seventh year would be spending 35 percent less than under current law.

That would be a devastating cut—but the deeper the ultimate tax cuts in the plan, the deeper the spending cuts must also be to keep up. And some of these spending cuts are too deep to sustain. The focus in the fight thus far has almost all been on what would happen in the first seven years of this plan. That's fine, but it makes no sense to solve a problem in that period only to begin to create it all over again immediately thereafter.

Mr. Moynihan's 10-year chart is a useful warning. The government shouldn't be mortgaging its future by cutting taxes that in the long run it will need to fulfill its basic responsibilities.

[From the Washington Post, Nov. 23, 1995]

#### GOP TAX PLAN COSTS SOAR AFTER BUDGET-BALANCING YEAR

(By Clay Chandler)

A handful of tax provisions in the Republican budget plan explode into huge revenue losers after the 2002—Congress's target year for a balanced budget—threatening prospects for maintaining zero deficits without further spending cuts.

According to projections by the Joint Committee on Taxation, Congress's nonpartisan tax analysis group, the GOP plan would lower federal revenue by an average of about \$35 billion annually between 1996 and 2002. But the average annual revenue loss would jump to \$57 billion in the three subsequent years, according to the agency.

The plan provides \$245 billion in tax breaks over the next seven years and would cost a total of \$416 billion in lost revenue over 10 years, the committee said.

Clinton administration officials and some private budget analysts have seized upon the estimates—which were provided by the Joint Committee on Taxation at the request of the Senate Finance Committee's ranking Democrat, Daniel Patrick Moynihan (N.Y.)—as evidence that the GOP tax proposals were crafted to hide their true cost.

To maintain a balanced budget after 2002, deeper cuts in projected federal spending would be required beyond those outlined in other parts of the reconciliation bill.

A budget plan with a tax cut that would "explode in the last three years of a 10-year period has got to be viewed as an unwise policy decision," Treasury Secretary Robert E. Rubin said at a breakfast meeting with reporters yesterday. He denounced the Republican tax proposals as "enormously out-sized."

President Clinton is expected to veto the legislation.

The GOP plan is riddled with "gimmicks—the sole purpose of which is to mask the true cost of tax breaks in the seven-year period," said the liberal Center for Budget and Policy Priorities in an analysis released Tuesday.

In unveiling their reconciliation package last week, congressional Republicans stressed that the single largest item in their package of tax cuts is a proposal to grant parents a \$500 tax credit for each child.

With the addition of several other proposals—including a reduction in the "marriage penalty" on couples filing joint returns, a credit for parents who adopt, and a deduction for long-term health care—the "pro-family" provisions in the tax package accounted for 73 percent of the total cuts, the Republicans said.

But critics claim the Joint Committee on Taxation's projections show the pro-family component is a much smaller part of the GOP tax cut over the longer term.

And opponents of the GOP plan claim much of the extra revenue loss would come from two items that primarily benefit upper-income families: a proposed cut in the tax rate for capital gains, or income from the sale of stocks, property and other assets; and new incentives for savers using individual retirement accounts (IRAs).

To understand why the cost of the GOP tax cut would rise in the years following 2002, consider the structure of the proposed capital gains tax cut. The reconciliation plan includes an "indexing" provision that would allow investors to subtract from their taxable income capital gains resulting directly from inflation beginning in 2001.

But in its first year, the indexing provision includes what analysts at the Center on Budget and Policy Priorities decry as a "gimmick." It would allow taxpayers to consider assets they already hold as "new" assets eligible for indexing the following year if they pay taxes on their capital gains earned until that point.

The change would yield a one-time-only revenue increase of about \$10 billion in fiscal 2002, the year the budget is supposed to reach balance. But that revenue only represents taxes the Treasury would have claimed the following year. Over the long term, indexing is a big revenue loser, the liberal analysts said.

The Joint Committee's figures suggest revenue loss from all the capital gains tax cuts advocated by Republicans could cut Treasury revenue more than \$100 billion in the seven years after 2005, the liberal analysts said.

Similarly, revenue loss from GOP tax provisions aimed at widening participation in tax-favored IRAs would average about \$1.7 billion between 1996 and 2002, under the GOP reconciliation bill. But in the three years thereafter, revenue loss would snowball, averaging \$6.9 billion each year, the committee estimates.

One reason the IRA provisions might lose revenue at a faster rate after the seven-year budget period is that the GOP bill establishes "back-loaded" IRAs. People who open the new accounts would be taxed on initial contributions, but not on accumulated interest or withdrawals for retirement, new home purchases, education expenses and other uses. In traditional IRAs, the initial contribution is tax-deductible, but withdrawals are taxed.

Analysts expect the withdrawal rate for the new IRAs to increase after 2002, as cash builds up in the accounts and participants tap their tax-free gains for a multitude of uses, including retirement. The tax-free withdrawals cost the Treasury revenue it would have otherwise received if the IRAs were structured the traditional way.

Moreover, the bill gradually allows people with higher incomes to establish the accounts, with the top income level not allowed in until 2007, thus masking the total cost of the new IRAs in the long run.

The GOP plan also includes a four-year "rollover" provision that would allow money in traditional IRAs to be shifted into the new, backloaded accounts, provided the holder pays taxes immediately on current gains. That funnels extra income that would have been collected in the future into Treasury's coffers during the next seven years, thus lowering the apparent cost of the tax benefit.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

## SENDING TROOPS TO BOSNIA

Mr. THOMAS. I rise, Mr. President, to talk about Bosnia, to talk about the thing that, I guess, is before all of us as American citizens—decisions, some of which, unfortunately, have apparently already been made, but the major decisions are still to be made.

I have thought a lot about this tragedy, as most of us have. Certainly, it has been before us almost nightly on TV, a great deal of discussion about it: some 43 months of war, over 200,000 people killed, a real human tragedy, of course. All of us feel badly about that. I have also had the opportunity to travel there recently. About a month ago, seven of us from the Senate had a chance to go there. I must tell you, I came back no more convinced that we have a role there with ground troops than I did before I left.

I think the idea of inserting 20,000 ground troops is a mistake. There are a number of questions that, I think, the answers to which lead to that conclusion. The basic one, of course, is: What is the national interest? I think that question needs to be asked in each of the kinds of commitments we make—major commitments, particularly of Armed Forces. What is our role throughout the world? There are many places in which there is unrest and tragedy, and there are a number of places in which there is civil war. Is it in our national interest to intercede in each of those, to send 10,000 troops, 20,000 troops? I do not know the answer. But I think not. I do not think it is in our national interest to be the policeman of the world in civil uprisings such as this.

I guess we have to ask ourselves, are we to police regional peace throughout the world wherever it is threatened? Do we have an obligation to secure regional peace throughout the world by sending our troops into these kinds of situations? What is the national interest? What kind of national interest does deserve military attention? I think this is the basic issue. All of the other things we talk about are pretty secondary to that. The President, of course, has not been able to lay out convincingly that interdiction and involvement of 20,000 or 25,000 U.S. troops is indeed in our national interest.

Let us examine some of the administration's concerns and arguments. They have been here in our Committee of Foreign Relations. We had a hearing with the Secretary of Defense and the Secretary of State, as well as the Joint Chiefs of Staff. One of the arguments is that killing is morally wrong. Of course, we all agree with that. But then should we send troops wherever that occurs? Should we be involved each time killing occurs? I think we would be overwhelmed by the number of times that we would saddle up and go to Somalia, Haiti, Rwanda, and endless other places, if killing is in fact the issue of national interest that promotes the sending of 25,000 troops.

We hear that the conflict will expand. Frankly, I have to tell you that I do not believe that is nearly as imperative as it was 43 months ago. My impression, frankly, from being there—and I was only there 4 days, so I am not an expert by any means—as you would imagine, these people are very tired of fighting. They are looking for solutions themselves, as you would imagine they would be. The notion that this is going to expand now if we do not move 25,000 troops in I do not believe is a basis in fact.

We were there going down the street of Sarajevo, and they point out, almost with pride, that there is the bridge where the Grand Duke was shot before the start of World War I. Really, that adds very little to today's expansion of another war. But if you want to look at historic things, in that country, the guerrillas, during World War II, were never chased down. They never surrendered. In that country, in the mountains, these kinds of troops will go on forever, if they choose to. Another is that if we do not intercede at this level, we will then be isolationists in the world and we would be withdrawing from our role of leadership. I cannot imagine that argument, as involved as we are around the world, both in troops, commerce, and trade, and we are involved in all of the organizations that have to do with security, trade, and with the development of international relations. We are isolationists? Give me a break. That is hardly what our activities can be called.

It seems to me that the principal reason the President is pushing as hard as he is, is that 2 years ago, he indicated we would send 25,000 troops. Now it is 20,000. Why not 10,000? Why not 15,000? We spent 4 days there. The first day was with the Unified European Command. I must tell you, I was very proud, as always, of the American troops, who are training to be part of this undertaking. But at that time, they were talking about 25,000 American troops, talking about a total of 90,000 NATO troops, with another 15,000 already there—over 110,000 troops in this area. The Senator from South Carolina just spoke about the agreement. I guess I have to say that if the agreement is one that is agreed to by the warring parties—genuinely agreed to—then you could say, why do you need 90,000 troops to enforce it? If it is not agreed to, then the Secretary of Defense, and others, said we should not be there. You have to fight your way in. If you have to fight to make peace, then that is not our mission. That has been made clear that we will not be there. So there has to be an agreement that has genuine accord. We will see. I hope there is. I think the United States and the State Department have done a great job in bringing together these people to some kind of a peace agreement.

Why is it so important that we have to define the national interest? You hear a lot about being concerned, as we

should be, with putting troops in harm's way. Frankly, often troops are in harm's way. That is what troops are for. The issue is not harm's way; the issue is why they are there. If the troops are there with a bona fide national interest, then we try to avoid harm's way. But that is not the criteria. The cost. When you talk about \$1 billion, \$2 billion, I think we spent that much in Haiti. Can you imagine that this will cost less than Haiti? I do not believe so. Is it in the national interest to spend \$3 billion, \$4 billion? That is a question.

Maybe more important than anything was the lack of specific goals. In the hearing that I mentioned with the Joint Chiefs, the general said we will get the job done. I believe that. I believe our Armed Forces will get the job done. I ask, how will you know? What is the job that is to be done? Frankly, I do not think anyone knows precisely.

Pull out in 1 year? I have a hunch that is a little bit political, that the notion is that we know you cannot leave troops there very long.

What if you are not through in a year? How do you know you are through? What is it that signifies having the job done? We were very concerned when we talked to the command. What do you do in this zone? Do you have check points with half a dozen soldiers—I do not know—that are subject to raids by small bands? Do you put them in large groups and patrol? The notion was, if you are fired on, you get to fire back. That is right, the way it ought to be. It was also, if there is an attack, we should withdraw because we are not there to fight but to keep peace. If there is no peace we would not be there. Sort of a conundrum.

So, Mr. President, it seems to me that it is an almost unsolvable situation. I think we can be involved. I think people want us to be involved. I think we indeed have been involved. The question of 20,000 troops is quite a different matter. I have to say, in the time I was in Wyoming, I really did not find anyone who supported that idea.

So we have a situation of 43 months of war in the former Yugoslavia, more than 250,000 people killed, an ethnic war, a continuation of something that has gone on a very long time. The question is, do we place ourselves in the middle of this, between the Serbs?

One of the things that has happened, I believe, partly as a result of this body's taking action on lifting the arms embargo, is that we did tend to equalize the forces. Croats and Moslems got together in the federation which sort of leveled the playing field of the Serbs, and then NATO's airstrikes completed that job. You noticed a great change in what was happening.

So we are faced with an ancient ethnic and religious conflict. Frankly, it is hard to know who is on what side.

Another obstacle is to overcome how you handle the United States and Russia being there at the same time. Rus-

sians will not be under the control of the NATO but still want to be in a segment. The winter is certainly a worry. I know we can handle it, but nevertheless it is tough.

Mr. President, I do not believe there has been demonstrated—and quite frankly I do not believe there will be demonstrated—an indication that placement of these troops in the former Yugoslavia is in the international interests. I think that ought to be the criterion. That ought to be the measurement. In the next few weeks we will need to make that measurement.

All of us need to be involved whether we are in the Senate, whether we are citizens, whether we vote. This is a U.S. decision, and it will have to be made by all.

I yield the floor.

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

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

#### DEBATE ABOUT BOSNIA

Mr. BURNS. Mr. President, as we go into this very busy week, coming on the heels of the Thanksgiving break, I do not know of a time that we have had so many issues at the forefront that are so important to this country—not only the debate on the budget, how do we balance it, how do we stay on track to balance the budget in 2002 and how important that is to our children and grandchildren, the business of reforming welfare to make it work for people rather than lock them into certain circumstances, and now the situation as it is developing and unfolding in Bosnia.

There are a lot of folks, including some who are running for public office, by the way, who do not even know where Bosnia is. But the debate, I am sure, this week will boil down to be a three-pronged debate: Is it in our national interest to deploy troops as peacekeepers or peacemakers, and there is a difference; will there be a clear and concise mission with hardly any opening for mission creep, and that is kind of tough to define, and it is kind of tough to stop—we learned that in Somalia; and is there at some time certain a withdrawal plan or some avoidance to deal with maybe an endless mission.

One has to read the history of that part of the world to really understand it. I have been there, spent quite a lot of time on the Dalmatian coast in Croatia, and I will tell you that the passion and the love for their land runs as deep as their hatred of their trespassers.

In Bosnia, is it a holy war? One would like to think not. But I think it is part of the equation. An ethnic war? Of

course it is because of the ethnic cleansing that has been carried out. The carnage that has been thrust upon this country is almost unspeakable and unheard of.

Is it a civil war? Yes, it is a civil war. Is it a war that goes across borders? It is that, too. But it has been waged for generations. And just since our history or our recollection or our generation, 250,000 people have perished at the hands of those who would be in the business of ethnic cleansing. The atrocities are unspeakable, and they are there.

So we have to look at that situation as we try to define our responsibility in that equation. I give high marks to this President, my President—we only have one at a time—in bringing the warring parties together at Wright-Patterson Air Force Base in Ohio, and the amount of resolve that was placed on this to come out of there with some kind of an agreement that would be good for everybody.

We have seen cease-fires, and we have seen agreements that were drawn up and concluded within Serbia and Croatia and in Bosnia, but they did not last very long. I am wondering how long this will last. Does everyone who is a party to that accord or that agreement that was signed at Wright-Patterson Air Force Base in Ohio really, really agree on peace? Are their leaders really 100 percent dedicated to it? Is everyone ready to stop the fighting?

It would seem to me that after a while you would just get tired of killing one another. That has not been the case in this particular corner of the world. I would also ask, after the accord was signed in Ohio, what has been the part for the rest of the international community? Have they stepped forward? And how much pressure have they put on the parties, the three main parties in that part of the world to work out some sort of a peace? How heavy has the international pressure been? Has it been as intense as it has from this country? Because I happen to believe in the American way. I have always said our greatest trait as a people is most times our undoing because we are a caring people. No catastrophe happens around the world that we do not react in a very positive way to help people. We care. And also when we see the atrocities on our television screens every night during the nightly news, it moves our conscience. And we are a nation with a conscience. No person can stand to one side and not feel for those people who have been victims of unspeakable atrocities.

But those folks who have pledged troops into NATO as a peacekeeping force, how many of those people have really stepped up and said this is wrong, and how much pressure have they put on their folks that this must stop? If the Bosnian Moslems and the Serbians and the Croats do not think this peace agreement is in their best interests, then we would question,

is it in our best interests? Would our troops be placed in harm's way? Would they be placed there as peacemakers or peacekeepers? And I would say as this debate drones on, peacemakers become a lot more dangerous. It is hard to keep the peace where there is no peace.

I am also sympathetic with the President on wanting to do the right thing. I am also sympathetic in that he has the right if he thinks it is right to deploy troops in a peacekeeping mission. But it would be a lot easier if he would come to this Congress and consult with this Congress before he did so and have the support of the American people. It is terrible to order young men and women into harm's way without the complete support of their nation. I will not do that.

There seems to be another situation here, too—the provision of this accord to lift the arms embargo and to arm and train the Bosnians. That does not seem like a peacekeeping mission to me. And I will have to know more about the wording on that and our goal or the ultimate end.

It seems hard to say that if we flood the country with arms and in the next breath we say, "No more war," that seems sort of an oxymoron to me.

In conclusion, it is, like I said, like no other part of the world where you will find people that have a love so deep and a passion so deep for their land but also a hate so deep for their trespassers. And that is the situation we have to deal with. So despite my expressed doubts on the merits of this decision to deploy—we will listen to the debate—but I have no intention of withdrawing my support for our young men and women who will be placed in harm's way in this mission of peace.

I can remember when President Bush came to this body and asked for permission to deploy in the Middle East. We did have a national interest there. How much do we have in this circumstance? We will weigh that decision. And it will probably be, if the President chooses to do so, and I think he will, that he will come to this Congress asking for our support. It will be a very, very tough decision. It could be one of those votes that one never likes to cast either up or down. But the debate must be held, and we must talk about it openly because there are young men and women's lives at stake, and the interest of the most powerful and free Nation in the world.

Mr. President, I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I would ask, is there an order for the day relative to taking up other legislation at 3 o'clock?

The PRESIDING OFFICER. There has been an order entered to that effect, that is correct.

Mr. MURKOWSKI. In view of the fact that I do not see any other of my colleagues calling up anything, I ask

unanimous consent that morning business be extended for approximately 15 minutes so that I may make a statement and enter a bill.

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

Mr. MURKOWSKI. I thank the Chair, and wish the President a good afternoon.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 1425 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### OIL RESERVES IN ANWR

Mr. MURKOWSKI. Mr. President, seeing no one wishing to speak, I would like to address very briefly the matter that I have spoken of on a number of occasions. That is the opening up of the arctic oil reserve known as ANWR. And I would like to submit some particular documentation that has come into my office in the last few days, but I will be specific in my reference.

As the President and my colleagues are aware, the idea of opening up the Arctic oil reserve, or ANWR, is not a new idea. It was left in 1980 to the Congress to make a determination as to the appropriateness of opening up an area in the coastal plain, approximately 1.5 million acres out of the 19 million acres which make up ANWR. Approximately 8.5 million acres of that has already been set aside in a permanent wilderness by the 1980 legislation. Another 9.5 million acres has been set aside in refuge, leaving approximately 1.5 million acres in the so-called 1002 area for the disposition of Congress.

At this time, we are faced with a dilemma as to whether or not, indeed, this is in the national interest. It is a similar argument to that which prevailed in the seventies when there was question as to whether or not the Prudhoe Bay area would be open for exploration and development.

That was over 20 years ago, Mr. President. Prudhoe Bay has been producing approximately 25 percent of the total domestic crude oil produced in the United States over the last 18 years. Today, Prudhoe Bay has declined. The production from that field has dropped from approximately 2 million barrels a day to 1.5 million barrels a day. But the arguments over whether or not we should open up the Arctic oil reserves of ANWR and the arguments that prevailed 20 years ago are basically the same: Can we do it safely? What will be the effect on the caribou? What will be the effect on the moose and the other animals that frequent the area, the bird life and so forth?

We have seen over the last 18 years of operating the Prudhoe Bay field an extraordinary set of events relative to the wildlife. We have seen the caribou herds grow from 3,000 to 4,000 animals to the current level of approximately 24,000 animals. It has been recognized in the oil fields, as in other areas where the caribou frequent that there are ap-

proximately three detractors and a number of animals that can sustain themselves, and those are individually related to the number of wolves in an individual area or other predators such as bear, the winter—the heavy snows take a toll on the caribou—and, of course, overgrazing is also a difficulty. In any event, we have seen the growth of these herds, which suggest, indeed, we have the capability to safely manage with a reasonable amount of development in an area given time.

My point is, again, we are reflecting the same arguments that were before us in the seventies, applicable today, but we have the proof, we have the scientific evidence and we have the redundancy, if you will, of recognizing that this population has increased and, with proper management, there can be little effect on the animal population associated with development in the high Arctic.

Further, there has always been a question as to the safety relative to the advanced technology. We have proven that we can limit the footprint dramatically. We have seen an extensive field in Prudhoe Bay reduced as new fields have been found, as stepouts of Prudhoe Bay, approximately 7 years ago, brought in a field known as Endicott which only took in 56 acres of surface land, yet it was the 10th largest producing field in North America. Today, it is the 7th largest producing field.

There was another question as to what effect this activity would have on the residents, the Eskimo people themselves. I quote from a statement, a news release from the North Slope Bureau and the Arctic Slope Regional Corporation:

The Eskimo people are working their way out of Federal dependency. Because of their success, they state they are being opposed at every turn by the Assistant Secretary for Indian Affairs—

And they named Ada Deer in that regard and suggest she opposes successful native American corporations and organizations. She, in their opinion, wants them to be dependent on the Bureau of Indian Affairs. But they indicate that they are well aware of what dependency brings: a state that kills self-initiative, that breeds a welfare society. They further conclude that they want to follow the American way, the old way of independent self-help and individual responsibility, family values and sense of community.

In other words, Mr. President, they want to have the same opportunities that other Americans enjoy: jobs for their children, tax bases for their communities, running water that other Americans enjoy.

So as a consequence, as we debate the merits of whether ANWR should stay in the reconciliation package, as has been deemed by action taken by both the House and the Senate, we are faced with this question of national security interests as well.

Currently, we are importing about 51 percent of our total crude oil. Back in



1973, we were importing 34 percent. Obviously, we are sending our jobs and dollars overseas and the justification of that, in my mind, is very questionable. If the oil is there, and volumes would have to be, it is estimated it would create 257,000 jobs associated with the life of the field. This would be the largest single jobs producer that we can identify in North America today.

So, as a consequence, if we add up the attitude of the Eskimo people who see this as an opportunity for stimulating their own economic livelihood, the national energy security interests of our Nation, the tremendous number of jobs, the realization that we have been able to develop safely oil and gas in the Arctic, as evidenced at Prudhoe Bay, there is no good reason why this administration should not support opening up ANWR to drilling.

It is anticipated that the lease sale would bring in approximately \$2.6 billion. That would be split 50 percent to the Federal Government and 50 percent to the State of Alaska. As a consequence of that, it would give our engineers, our scientists, our technical people a great challenge to address new technology to make the footprint even smaller.

It has been estimated that if the oil is there, the development scenario can be accomplished in an area of less than 3,000 acres. The first estimate of this given a couple years ago was approximately 12,500 acres. Sometimes it is difficult to generate a comparison, but if one looks at the Dulles International Airport complex, that is about 12,500 acres, and a comparison would be if the State of Virginia was a wilderness. That is, I think, the picture that we can best use as an analogy to try to describe the vast distances associated with the Arctic and the realization that the footprint would be very, very insignificant.

Finally, Mr. President, I refer to an editorial in *Nation's Business* in November 1995. It is entitled "How Energy Policy and the Budget Intertwine." It reads:

Consider a situation in which the central government holds direct ownership of properties containing most of the resources critical to economic growth. It also controls access to vast additional areas holding still more of those resources.

This central government has adopted policies that in effect block the country's citizens from using such materials even as their availability from other sources declines.

The nation fitting this description is the United States. The federal government owns one-third of the lands that hold most of the remaining reserves of oil, natural gas, timber, low-sulfur coal, gold, silver, other minerals, and timber. In addition, our government controls the outer continental shelf (OCS), the undersea area extending from three to 100 miles off the East, Gulf, and West coasts.

Federal lands, notably the Arctic National Wildlife Refuge (ANWR), and areas under federal jurisdiction, notably the OCS, contain vast reserves of oil and natural gas. But national policy has been to keep those resources locked up, and the nation's depend-

ence on imports continues to grow as domestic production declines.

The United States now relies on imports for more than half of the crude oil it consumes, and much of that comes from countries with long records of political instability. Within 20 years, imports will represent 60 percent of domestic consumption. Given such dependence, even a slight drop in the supply from overseas could inflict severe economic harm.

The consequences of excessive reliance on imports were starkly demonstrated in the 1970s, when foreign manipulation of supplies and prices caused economic disruptions that continued into the next decade.

There are, however, grounds for optimism that the nation will not be held hostage to political events in the oil-exporting nations. Congress is considering legislation to permit exploration for oil and natural gas in the Arctic National Wildlife Refuge and development of sites deemed productive. With a membership far more attuned to economic realities than its predecessors, this Congress might be the one that adopts the rational energy policies the country has long needed.

Environmentalists are predictably sounding alarms that ANWR development would destroy vast areas of pristine natural beauty. The facts show otherwise. The refuge consists of 19 million acres, and the development "footprint"—the visible results of development—would affect 15,000 acres, one-twelfth of 1 percent.

Oil exploration and production activity would be limited to the coastal plain area, which is by no means a pristine sanctuary but contains, among other things, abandoned military bases. Even then, the footprint would affect only 1 percent of the designated coastal area.

Advances in oil-production technology, such as horizontal drilling, would further minimize the environmental impact. Horizontal drilling, with pipes stemming underground from a single pad, sharply reduces the number of traditional oil rigs needed to produce from a wide area.

Given the economic necessity of developing the nation's oil reserves and the negligible environmental consequences, the proposal to open a relatively tiny portion of the ANWR should command broad support in Congress—broad enough to override the veto that has been threatened by President Clinton because of pressure from environmentalists.

There is an additional benefit from opening that small portion of the ANWR: The federal government would realize \$1.3 billion in oil royalties over seven years, money that would help achieve the goal of a balanced federal budget.

The revenue potential of resource development on other government-owned and/or government-controlled lands in one that should be taken into consideration as Congress seeks ways to achieve its goal of a balanced budget by 2002. Such land use not only could help meet crucial resource needs but also could help achieve a fiscal policy that would provide a tremendous boost to the economy generally.

Although the federal government holds the legal title to one-third of U.S. lands the key to offshore resources, the officials who make up that government have failed in the past to recognize that they were actually trustees and that ultimate ownership and control was held by the American people.

Those people want wise use of their properties. Such use includes preservation where warranted and economic utilization where that is warranted.

A Congress under new management appears to be aware of that distinction. The president should also grasp it.

Mr. MURKOWSKI. Mr. President, the last item I want to submit for the RECORD is a letter dated November 10, 1995, to the President of the United States from Mr. George Duff, president of the Greater Seattle Chamber of Commerce. I ask unanimous consent that it be printed in the RECORD.

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

GREATER SEATTLE  
CHAMBER OF COMMERCE,  
November 10, 1995.

The PRESIDENT,  
The White House, Washington, DC.

DEAR MR. PRESIDENT: The Greater Seattle Chamber of Commerce continues its support to open the Arctic National Wildlife Refuge's (ANWR) Coastal Plain to environmentally responsible oil and gas exploration, development and production. The Advanced technologies of the oil companies have proven that opening ANWR would be environmentally safe and wouldn't endanger wildlife habitat. In 1987 after extensive examination of this issue the Chamber adopted a formal position supporting the opening of ANWR.

The Chamber believes that national security and economic stability depend on sufficient ongoing quantities of domestic oil production. Increased domestic oil production minimizes the possibility of economic disruption due to dependence on foreign oil and decreases the nation's trade deficit.

The Greater Seattle Chamber of Commerce urges you to approve the federal budget bill containing a provision to open ANWR's Coastal Plain to oil and gas exploration and development.

Respectfully,

GEORGE DUFF,  
President.

Mr. MURKOWSKI. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEWINE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President I ask unanimous consent to speak out of order for not to exceed 10 minutes.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 10 minutes.

#### TIME TO EVALUATE NAFTA

Mr. BYRD. Mr. President, on last Thursday, Senator DORGAN, my friend from North Dakota, introduced a bill to assess the impact of the NAFTA to require further negotiation of certain provisions of the NAFTA and to provide for the withdrawal from the NAFTA unless certain conditions are met.

That bill is S. 1417. I am pleased to cosponsor the bill introduced last Thursday by my friend from North Dakota, Senator DORGAN. This bill calls for an evaluation of the effects of the North American Free-Trade Agreement, known as NAFTA, on the U.S. economy and work force. It is very



timely, given the precipitous calls to expand NAFTA further. I share Senator DORGAN's suspicions, supported by the initial data, that U.S. participation in NAFTA may not have benefited the United States and, in fact, may have harmed the economy of the United States.

I did not vote for NAFTA. I do not regret having voted against it.

The U.S. trade deficit with our NAFTA partners, Canada and Mexico, reached \$16.7 billion in just the first 6 months of 1995. In 1993, before NAFTA, the United States had a small trade surplus with Mexico. Given the rule of thumb that each net export of \$1 billion in goods creates 16,500 jobs, a trade deficit of \$16.7 billion therefore translates roughly into 275,500 U.S. jobs lost as a result of NAFTA.

To be sure, the Mexican peso crisis earlier this year is partly to blame for the sudden shifts in trade with Mexico. With the devaluation of the peso, Mexican exports to the United States are cheaper than ever, while Mexican citizens can no longer afford to purchase U.S.-made products.

The Treasury Secretary's report to Congress for August 1995 indicates that consumer good imports in Mexico fell 29 percent in the first quarter of 1995 and 49 percent in the second quarter of 1995, compared to 1994. Unemployment and underemployment in Mexico grew from 4.5 million in the first half of 1994 to 7 million in the first half of 1995; only employment rates in the low-wage, export-oriented maquiladora sector increased—only in that one sector. Additionally, the number of workers in Mexico who earned less than the Mexican minimum wage rose to almost 11 percent of the work force in May 1995. Decreasing already low wages only encourages further job flight from the United States to Mexico.

Passage of NAFTA was supposed to be in recognition of Mexico's strong economic performance over the last decade. But the economic crisis this year suggests that Mexico was not ready to participate in a "predictable commercial framework for business planning and investment," as NAFTA purported. The Mexican crisis has also pointed out some flaws in the NAFTA that Senator DORGAN's bill attempts to correct. NAFTA must be renegotiated in order to correct for large trade deficits; it must be corrected to adjust for currency distortions; and it must be adjusted to prevent unfair displacement of agricultural products. These changes will help to make this flawed agreement less disadvantageous to the United States.

Additionally, Mr. President, Senator DORGAN's bill requires a number of certifications from the President and members of his Cabinet regarding a number of issues. These certifications provide a review of NAFTA and its effects on the U.S. economy and its effect on U.S. workers. They include issues like job losses and gains, U.S. purchasing power, trade flows, environ-

mental and safety standards, the drug trade, and democratic reforms in Mexico. These are reasonable standards by which to measure the costs and benefits of continued U.S. participation in NAFTA. If NAFTA is not providing all the benefits that its sponsors promised, we should know that and we should act accordingly, even to the extent of withdrawing from an agreement that does not meet our needs. We certainly should not consider expanding this agreement until we have concluded that it provides more good than harm.

Mr. President, I congratulate my colleague, Mr. DORGAN, on his foresight in introducing this legislation. I am glad to be a cosponsor of it. I hope that it will receive the careful consideration of the Senate and that the Senate will act accordingly in view of the needs for action.

I yield the floor.

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

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

Mr. DOLE. Mr. President, was leaders' time reserved?

The PRESIDING OFFICER. The Senator is correct.

#### THE MONEY TRAIN

Mr. DOLE. Mr. President, thousands of concerned citizens all across America are now joining the chorus of voices speaking out against an entertainment industry that too often glorifies mindless violence, and peddles its harmful wares relentlessly to our children. These citizens understand, as I do, that images of senseless violence—repeated over and over again and showing murder in ever more graphic detail—debase our culture and affect people's attitudes and conduct, especially the attitudes and conduct of our impressionable young.

Regrettably, a shocking incident reported in today's New York Daily News, New York Post, and New York Times seems to confirm the accuracy of this observation.

This past Sunday, two men squirted a bottle of flammable liquid into a token booth at a subway station in Brooklyn's Bedford-Stuyvesant neighborhood. They then lit a match, igniting an inferno that blew the token booth apart and sprayed broken glass and splintered wood throughout the subway station. Trapped inside the token booth at the time of the explosion was its operator, 50-year-old Harry Kaufman, who miraculously survived with his life but who nonetheless suffered second- and third-degree burns over nearly 80 percent of his body. Mr. Kaufman normally works only weeknights, but made the fateful deci-

sion to work the overtime shift on Sunday because he was trying to save money to send his son to college.

This incident—committed by two men whose depravity is beyond description—is remarkably similar to incidents depicted in a new movie called "The Money Train," produced by Columbia Pictures. Although I have not personally seen "The Money Train"—and after Sunday's subway attack I have no intention of patronizing it—the movie apparently contains two scenes that occurred nearly identical to the one that occurred in Brooklyn on Sunday. In the movie, a pyromaniac named "Torch" squirts flammable liquid through the slot in the token booth and then ignites the booth. Unlike Mr. Kaufman, the fictional token-booth operator escapes unscathed from the ensuing explosion.

Are "The Money Train" scenes and the real-life tragedy in Brooklyn just a coincidence? Perhaps. But, apparently, this is not the view of New York City Police Commissioner William Bratton, who says, "There seems to be some connection between the movie and the explosions." Or as Alan Kiepper, the head of New York's Transit Authority, points out: "We know from experience that when you get movie and television depictions of criminal activity, it is often copycatted."

Copycat or no copycat, the individuals who committed this unspeakable act must be held accountable for their crimes. We are all responsible for our actions. To say that a movie caused this senseless act in Brooklyn gives it a logic and dignity it does not deserve and cannot have. There can be no excuses for criminal behavior, whatever the motivation may or may not be.

But, at the same time, those who work in Hollywood's corporate suites must also be willing to accept their share of the blame. For those in the entertainment industry, who too often engage in pornography or violence as a way to sell movie tickets, it is time for some serious soul-searching. Is this how they want to make their livelihoods? Is this their contribution to society?

Those who continue to deny that cultural messages can and do bore deep into the hearts and minds of our young people are deceiving themselves and ignoring reality. They are ignoring what happened this past June when a group of teenagers killed a Massachusetts man claiming they were natural born killers. And, yes, they are ignoring the senseless act that occurred this past Sunday morning in Brooklyn.

In fact, news reports indicate that transit authority officials had reviewed "The Money Train" script before the movie was filmed and had objected to the token-booth arson scenes. The film's producers decided to create the scenes anyway—on Los Angeles soundstages. We may never know the true impact of this decision.

Mr. President, I want to take this opportunity to convey my thoughts and

prayers to Mr. Kaufman and his family. We wish him a speedy recovery. And we wish the New York City Police Department every success in their efforts to track down the vicious thugs who have committed this cowardly act.

The American people have a right to voice their outrage, and they can do so not through calls for government censorship, but by derailing "The Money Train" at the box office.

Just so you get a better picture of what happened, this is the Daily News, the front page of the Daily News. It is just entitled "Torched." So, when you put a flammable liquid into that little token booth and light a match to it, with no real way to escape, this is what happens. The front page says, "Attack mimics the hit movie 'Money Train,' Token clerk firebombed in booth, Family and (transit authority) assail film thriller."

Then in the New York Post pretty much the same. "Torched! Gun-toting firebombers steal scene from movie to blow up token booth." I know, if there is any—maybe the paper is wrong. Maybe I am wrong. Maybe most Americans are wrong. But if someone out there is watching a movie and is taken by it and excited by it and says, "I would like to try it," and then goes out to try it in real life, this is the result—burns over 80 percent of his body. Keep in mind he was working the overtime shift so he could earn a little extra money to send his son to college.

The same coverage is in part B of the New York Times, same kind of coverage, same broad coverage. But on the inside page here it says, "TA Worker Hurt In Booth Inferno." "Two are sought in 'movie' stunt." "Train film's on fast track."

It is all about what happens when people are mad and depraved or whatever. This is what happens. So I would just say to my colleagues, outrage is a powerful weapon. It is covered by the first amendment. The movie industry will tell you and the TV industry and all the others, "Oh, this is the first amendment, right of free speech."

We have also a right under the first amendment called "outrage." And if the American people express their outrage, in my view, good things will happen. We do not need to pass legislation. We do not need censorship. We just need to alert the American people and to ask some of those—in this case Columbia Pictures—to accept some corporate responsibility, to be a good corporate citizen.

I noted that Time Warner—we recently talked about that—has decided to sell off and has sold off Interscope, which is producing some of the CD's that you could not repeat anywhere, privately or in public or anywhere else. They were available to young people 10, 11, 12 years of age or younger, walking into any of these stores and buying the CD's.

Those are the things that, in my view, I think make you wonder, where do you draw the line on profit? When

does profit become greed? When does it stop, if it is harmful to society, particularly young people in America?

#### BOSNIA

Mr. DOLE. Mr. President, just quickly on another matter, I will just say that tonight the President of the United States is going to deliver a very important message to the American people. He will attempt to persuade the American people that the United States, as a member of NATO, has a responsibility to commit 20,000 Americans to keep the peace or to enforce the peace—I think there is some confusion of exactly what it might be at this point—in that part of the world.

The President talked to me, called me yesterday from Camp David. We had a good discussion. I said, "Mr. President, you need to persuade the American people if you are to persuade Congress." I must say that it is difficult, particularly when this administration virtually sat on its hands the past 30 months while many of us talked about lifting the arms embargo. I still believe had we done that—and we had the debate on the Senate floor a number of times. We had strong bipartisan votes, Democrats joining Republicans, Republicans joining Democrats. The President indicated his opposition to that legislation. He said he would veto it.

Now, it is always easy to second-guess. I am not trying to second-guess the President of the United States. But it seems to me, and many who are experts, that had we lifted the arms embargo 6 months, a year ago, we would not be talking about sending American forces to that part of the world, to Bosnia, to Tuzla, wherever the Americans will be stationed.

Now, in my view the President has the authority and the power under the Constitution to do what he feels should be done regardless of what Congress does. But we also have a responsibility to our constituents and, I think, to the President of the United States to give him our best advice. So, I would guess that after the President makes his remarks and after the American people respond and after we finally have a signing of the peace agreement on December 15, is my understanding, that then the Congress will take some action. I am not certain what action that would be, because I think we need to consult with one another.

I remember when President Bush asked a previous Congress to authorize the use of offensive force in the gulf crisis, not a single Member of the Democratic leadership in either the House or the Senate would support the President of the United States. But, fortunately, in the Senate there were 11 Democrats who stood with President Bush, and by a narrow margin, after the President rolled the dice, we prevailed.

One thing I recall from that debate and the positive response after the vote

was that the American people, once the Congress had given their—I do not say their stamp of approval, but at least authorized or backed up the President of the United States—as I recall, public approval for the operation rose rather significantly.

So, I will just say to the President, I wish you well tonight. I think you have a difficult job. I think the rest of us should keep an open mind—not an empty mind, an open mind—an open mind, assuming we had the same responsibility, keeping in mind that those in the armed services are now volunteers. They are volunteers. And I assume when they volunteer they know that the good and the bad can happen. But they are still young and still Americans and they still have a right, perfectly understandably, as do their families, to know what risks will be taken, how long they may be there, what the costs may be, is there a vital national security interest and American national security interest, do we have an exit strategy, how long will they stay, how many, and many other questions on which I think we should focus.

I will just say, it seems to me if I pick out one thing where I think the President can make a case, it is all these people came to America and they went to Dayton, OH, and they stayed there for a couple of weeks or longer, and they finally hammered out a fragile peace agreement and initialed it—it has not been signed yet—and initialed it, all under the auspices of American leadership—the President, the Secretary, the Assistant Secretary of State, Mr. Holbrook, and others—and all this was premised on the fact that there would be 20,000 Americans there.

So it seems to me the President may have at least laid some foundation, and there may be some obligation—some obligation—obviously that we follow through on that agreement. But the agreement has not been signed finally. We have not heard from the American people. We have not heard from Congress. We have heard from the House where they, by a pretty good margin, indicate they want to cut off all funds. That bill has not yet been taken up in the Senate and it may not be taken up this week.

I only hope that all of our colleagues will understand this is a very important decision all of us must make, and it must not be made just for today, but for next year and the next year and the next year. It is a question of Presidential authority, Presidential power, constitutional responsibility, and the responsibility of the Congress of the United States.

So I look forward to listening carefully to the President tonight and wish him success.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I wish to associate myself with the remarks made by our able majority leadership here, just as he has shown in so many other instances.

(The remarks of Mr. THURMOND pertaining to the introduction of S. 1426 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate, on November 21, 1995, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, without amendment:

S. 1328. An act to amend the commencement dates of certain temporary Federal judgeships.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 32. Concurrent resolution providing for a conditional recess or adjournment of the Senate on Monday, November 20, 1995, until Monday, November 27, 1995, and a conditional adjournment of the House on the legislative day of Monday, November 20, 1995, or Tuesday, November 21, 1995, until Tuesday, November 28, 1995.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 2491) to provide for reconciliation pursuant to section 105 of the concurrent resolution on the budget for fiscal year 1996.

The message further announced that the House agrees to the amendment of the Senate to the joint resolution (H.J. Res. 122) making further continuing appropriations for the fiscal year 1996, and for other purposes.

#### ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 440. An act to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

S. 1328. An act to amend the commencement dates of certain temporary Federal judgeships.

H.J. Res. 122. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

Under the authority of the order of the Senate of January 4, 1995, the enrolled bills and joint resolution were signed on November 21, 1995, during the adjournment of the Senate by the President pro tempore (Mr. THURMOND).

#### MEASURE PLACED ON THE CALENDAR

The following measure was placed on the calendar:

H.R. 1833. An act to amend title 18, United States code, to ban partial-birth abortions.

#### ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on November 24, 1995 he had presented to the President of the United States, the following enrolled bills:

S. 440. An act to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

S. 1328. An act to amend the commencement dates of certain temporary Federal judgeships.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1620. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 94-07; to the Committee on Appropriations.

EC-1621. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals dated November 1, 1995; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, Committee on the Budget, Committee on Finance, Committee on Foreign Relations.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-471. A resolution adopted by the Council of the City of Toledo, Ohio relative to the "Contract With America"; ordered to lie on the table.

POM-472. A resolution adopted by the Captive Nations Committee of New York, New York relative to Chechnia; to the Committee on Foreign Relations.

POM-473. A resolution adopted by the Board of Directors of the Seattle Education Association of Seattle, Washington relative to Federal spending on education; to the Committee on Labor and Human Resources.

#### REPORTS OF COMMITTEES SUB- MITTED DURING ADJOURNMENT

Pursuant to the order of the Senate of November 20, 1995, the following report was submitted on November 21, 1995, during the adjournment of the Senate:

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation:

Report to accompany the bill (S. 1396) to amend title 49, United States Code, to provide for the regulation of surface transportation.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI (for himself, Mr. HATCH, Mr. STEVENS, and Mr. BENNETT):

S. 1425. A bill to recognize the validity of rights-of-way granted under section 2477 of the Revised Statutes, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. THURMOND (for himself and Mr. CRAIG):

S. 1426. A bill to eliminate the requirement for unanimous verdicts in Federal court; to the Committee on the Judiciary.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI (for himself, Mr. HATCH, Mr. STEVENS, and Mr. BENNETT):

S. 1425. A bill to recognize the validity of rights-of-way granted under section 2477 of the Revised Statutes, and for other purposes; to the Committee on Energy and Natural Resources.

#### THE REVISED STATUTES 2477 RIGHTS-OF-WAY SETTLEMENT ACT

Mr. MURKOWSKI. Mr. President, I rise today to introduce legislation co-sponsored both by myself, Senator HATCH, Senator STEVENS and Senator BENNETT. The purpose of this legislation is to allow State law to continue to determine revised statute covering 2477 right-of-ways, as it is known in the West.

Mr. President, for almost 130 years State law has applied to the validation of R.S. 2477 right-of-ways. Simply stated, that is the "right-of-way for the construction of highways over public lands, not reserved for public uses, is hereby granted."

Originally, the grant was section 8 of the Mining Act of 1866. The provision then became section 2477 of the revised statute, R.S. 2477, until its repeal by the Federal Land Policy Management Act of 1976, known as FLPMA.

Section 706 of FLPMA repealed R.S. 2477. However, section 701 states—and I quote—"Nothing in this act terminates any valid right-of-way existing on the date of approval of the act." Similarly, Section 509 of FLPMA states that nothing in title V on right-of-ways—and I quote—"shall have the effect of terminating any right-of-way or rights-of-use heretofore issued, granted, or permitted."

Under the authority of R.S. 2477, highways were established to achieve access through the public domain. It was a primary authority under which many existing State and country highways were constructed and operated over Federal lands in the Western United States.

Mr. President, in my State of Alaska many of these access routes were nothing more than perhaps a dogsled trail or footpath, but nevertheless provided essential routes from village to village for Alaska's Native people and other residents of the State. At that time it was a territory.

The original grant was viewed as an open-ended offer that only required acceptance to fully vest. Once a right-of-way is fully vested, significant property rights would be attached to it.

Historically, the Department of the Interior looked to the State highway laws as the standard for acceptance of the grant. The Federal Government did little to keep track of the number or location of these rights-of-ways for more than a century.

However, the Department of the Interior proposed regulations in August 1994 to make it extremely difficult to establish right-of-way claims across Federal lands established under this law. The Department of the Interior claims the reason they are doing the regulations is to make a logical process to get R.S. 2477 rights-of-ways recognized.

Mr. President, the regulations would actually do the following: They would override State law with restrictive new definitions of "highway" and "construction." They would put a cloud in the title of R.S. 2477 roads, treating them as invalid until proven valid. They would prevent any further expansion of scope of an R.S. 2477 right-of-way. And it would prevent making the right-of-way any wider. It set a sunset of administrative and court action on validity of R.S. 2477 by extinguishing claims not filed within 2 years, and 30 days after final ruling.

Further, construction and maintenance would not be permitted without approval of DOI with 3 days' notice, preventing the fixing of washed-out roads until the Department of Interior gave approval. The draft Department of the Interior regulations are nothing more than an attempt to prevent legal access across our public lands. It would impose an almost impossible task on State and local governments to make all claims for rights-of-ways on Federal lands, and then have to validate each and every one of those claims.

Nowhere would this be more burdensome than in my State, Alaska, twice the size of Texas, and less roads than the State of Vermont.

This is clearly an effort to make sure Alaska and other Western States, Utah and others, would not have access across Federal lands for valid rights-of-way egress and access.

It is really an effort to take away the rights of the States to validate and use their rights-of-ways.

This legislation which I have introduced today will define those who can file a claim, will put a time line on the filing of these claims. It will ensure there are validated claims according to State law at the time of the assertion of those claims. Further, it would put the burden of proof on the Secretary of the Interior if he wants to challenge their validity.

Additionally, legislation introduced herein will not, first, create any new rights-of-ways. If they were nonvalid in 1976, they will not be valid today.

Further, we will not supersede existing environmental protections. We will

not trample on private lands or Native lands.

And, finally, Mr. President, the Federal Government has better things to do, in my opinion, than put unnecessary burdens on the Western States. I urge all of my colleagues to support this legislation.

I would also add, Mr. President, that the State of Alaska has only been a State for 36 years. We are still very much involved in making claims based on the use across public lands for access. And so it is very much a real part of developing our State today. And I would urge my colleagues to recognize it. In most of the other States this process was done 100 years ago.

Mr. HATCH. Mr. President, I rise to express my strong support for this legislation being introduced today by my good friend from Alaska, Senator MURKOWSKI, regarding rights-of-way granted under revised statute [R.S.] 2477. This issue is of extreme and critical importance to my State, and this legislation is necessary to resolve, once and for all, the current situation that has clouded these rights since 1976.

I want to congratulate Senator MURKOWSKI for his leadership to bring the matter of claims made pursuant to R.S. 2477 to a close. I have worked closely with him to draft this proposal that meets the needs of all claimants in the various States, especially Alaska and Utah, where the overwhelming majority of R.S. 2477 claims are located.

Mr. President, since 1976, when R.S. 2477 was repealed with passage of the Federal Land Policy and Management Act [FLPMA], State and local governments have had to wage constant battle with the Federal Government as to what constitutes a valid R.S. 2477 claim as well as what the scope of that claim is once it is determined valid under this statute.

In Utah, this battle has been raging for quite some time. And, this firestorm is quickly spreading throughout the West. The controversial and highly publicized Burr Trail case in Garfield County, Utah, which has been litigated during the past decade, has brought this issue to the forefront. Nearly every county in UT, as well as many others in the West, has identified numerous R.S. 2477 rights-of-way claims. These local governments are justifiably concerned that the validation process of each claim may require enduring the same financial and legal burdens as the Burr Trail case, especially considering that more than 10,000 claims have been identified in Utah alone.

There has to be a better solution than the current system, which is what my colleagues from Alaska, Senators MURKOWSKI and STEVENS, and my colleague from Utah, Senator BENNETT, and I have been fighting for during the past few years.

At issue here is what constitutes a right-of-way as authorized by Congress in 1866. R.S. 2477 rights-of-way are

thoroughfares, cart paths, one lane dirt roads, small log bridges over streams or ravines, and other roads that time and necessity have created in our western States. These rights-of-way, which traverse Federal lands—and we are obviously not using the term highway in the modern sense—have been an integral part of the rural American landscape for over 100 years.

These rights-of-ways constitute an important part of the infrastructure of the Western States. I would ask my colleagues to think of this issue this way: suppose your front yard belonged to someone else—the Federal Government, for example—and the gravel driveway through the front yard was the only way to get to your house from the street. If you do not have complete authorization to maintain, improve, and keep open this driveway, then access to your home and possessions is eliminated. You would have to haul your groceries to your front door from the street. A simple illustration, perhaps, but one that shows the importance of these R.S. 2477 rights-of-way to the people in the West. These rights-of-ways were accepted before 1976 and, like your driveway, have been used continuously for decades as an integral part of the West's transportation systems. The Senate should take appropriate action to protect the well-being of western and Utah communities.

Our legislation proposes to resolve the current controversies surrounding R.S. 2477 rights-of-way in several ways. It would provide a method of relief that many of us in the West have been pursuing for several years, namely that the designation of rights-of-way claims made pursuant to this authority should be determined under State law. The validity of these rights-of-way should be determined at the local level, and not by Congress, the U.S. Department of Interior, or the U.S. Department of Transportation.

At the same time, the process for submitting claims under R.S. 2477 should be as simple as possible consistent with legal requirements. A system for determining the validity of such claims should be designed to promptly resolve outstanding R.S. 2477 claims. Our bill creates such a process and places the burden of proof of each claim squarely on the shoulders of the Federal Government. Without this process, I envision a Federal system under which resolutions of such claims will become tremendously bogged down with no substantial resolution to this issue.

My colleagues may ask that if these rights-of-way have existed for 100 years, why is this legislation necessary?

Last August, the Clinton administration and Secretary Babbitt proposed regulations to settle this issue. These regulations would require a complete abandonment by State and local governments of R.S. 2477 rights-of-way claims and a total rejection of any evidence that documents the existence

and historic use of these rights-of-ways from 1866 up to 1976. They would allow the Secretary to determine whether or not a right-of-way existed prior to 1976 which, in my opinion is nothing more than asking State and local governments to abrogate their responsibilities as the owners of these rights-of-ways. We in the West are unwilling to do that. The Secretary's regulations are evidence that the task of achieving a solution that protects the intent and scope of the original statute while preserving the infrastructure of rural communities must involve Congress. As far as I am concerned, we are beyond a regulatory fix on this subject, particularly in light of the regulatory proposal put forward by the Clinton administration.

Fortunately, Congress has included language in next year's Interior appropriations bill that prohibits the implementation of these misguided regulations.

Basically, our legislation will ensure that: First, the intent and scope behind the original statute are consistent with the intent and scope underlying congressional passage of FLPMA; second, the congressional intent regarding the interpretation of R.S. 2477 in accordance with State law is preserved; third, the large body of settled, well-established, and well-documented Federal and State case law and agency regulatory determinations is adhered to, and fourth, the trust and respect for State and local governments, which hold these rights and are entitled to exercise their powers within the sphere of their authority without Federal intervention are restored.

Mr. President, this matter is critical to communities and citizens in the rural West. In many cases, these roads are the only routes to farms and ranches; they provide necessary access for schoolbuses, emergency vehicles, and mail delivery. The Interior Department regulations would significantly confound transportation in the Western States, jeopardizing the livelihoods of many citizens and possibly their health and safety as well.

Some claim that R.S. 2477 rights-of-way are nothing more than dirt tracks in the wilderness with no meaningful history, whose only value to rural counties arises from the hope of stopping the creation of wilderness areas. Nothing could be further from the truth. No one is suggesting that we turn these rights-of-way into six-lane lighted highways with filling stations, billboards, and fast food restaurants.

Although, I am confident in saying today that I expect those opposed to this legislation to initiate a campaign of misinformation, dishonest facts, and outright untruths about the impact of our bill. They will paint a picture of our bill as authorizing the construction of paved roads through wilderness areas, native American trust lands, and national parks. They will employ these scare tactics, like they have on other public land measures now before Con-

gress, to mislead the public and the media into believing an array of bulldozers, graders, and other road building vehicles are ready to begin an assault on the Nation's most pristine areas. Again, nothing could be further from the truth. If the right-of-way exists, then the scope and the attributes of that right must be protected from the local entity with jurisdiction. We are not—I repeat, not—authorizing the construction of roads over public lands where no right-of-way exists. Our bill provides the Secretary of Interior considerable latitude to express his position on each and every claim that is submitted and why these claims may or may not be valid.

I do not like to be so forthcoming in this way, but after witnessing the misinformation campaign being waged against our Utah wilderness bill, I want to prepare my colleagues for what is coming. I would ask that they carefully confer with those of us who have thousands of these claims in our States so as to fully recognize the importance of this matter to our citizens.

There is no pressing environmental reason to change the R.S. 2477 rules other than to make Federal land more pristine than it has been since the pioneers settled in the West. I urge the Senate to support adoption of this legislation during this Congress.

Mr. BENNETT. Mr. President, I am pleased to join my colleagues today in introducing this important legislation and I congratulate Chairman MURKOWSKI for his tremendous leadership, as well as Congressman JIM HANSEN, who has led the debate in the House of Representatives. While the issue of R.S. 2477 rights-of-way may not be of concern to many of our colleagues east of the Rocky Mountains, it is certainly an issue of importance to States in the West. The bill which we are introducing today will take great strides in putting an end to a controversy which has nearly paralyzed many rural counties in the State of Utah.

As my colleagues have eloquently described the history of this issue, I will not go into great detail. However, I would like to make a few very important points.

The R.S. 2477 statute is the authority under which many of the existing State and county highways in my State were constructed and operated. For example, in Garfield County, UT, portions of Highway 12, one of the most scenic and most heavily traveled routes in southern Utah, have no other written authorization besides the R.S. 2477 authorization. Another example is the Hole-in-the-Rock road, historically one of the most significant routes in Utah history.

This legislation seeks to address the problems that developed by the failure of R.S. 2477 to define what a highway was. By modern definition, highways are generally considered to be paved two or four lane roads, suitable for all types of traffic. However, southern Utah is crisscrossed with literally

thousands of improved and unimproved roads which, regardless of the condition of the roads, are the lifelines to many native American communities, rural communities, public recreation areas, mining, oil and gas, and grazing claims.

Currently, the only way a State or county can confirm the legality of a right-of-way is to file a lawsuit in a Federal court. This has placed an onerous financial burden on county governments which sincerely want to resolve the issue. Indeed, many of the smaller counties in Utah cannot afford to file claims even though R.S. 2477 rights-of-way is critical to their current and future economic survival. Mr. President, Utah has asserted more claims for R.S. 2477 than any other State. Nearly 5,000 claims have been asserted at one time or another. You can imagine the tremendous financial burden that result both for the county and the Federal Government.

This legislation preserves the important role of State law in determining what is and is not a valid right-of-way. R.S. 2477 was originally an offer made by Congress to State and local governments to create highways across the vast stretches of western desert and to help settle the West. The original act recognized State law and relied on State law to provide many of the details of its implementation. In years past, the Department of the Interior has generally acquiesced to State law. Since the passage of FLPMA, and even up until the recent administration took office, the Department of the Interior's policy has generally looked to State law to determine what constitutes a public highway.

Mr. President, this is a good bill. It restores the role of the State in determining what is and is not a valid right-of-way. It forces both the claimant and the Federal Government to come to the table. It narrows the time frame in which claims might be filed to 5 years. It grants the Secretary 2 years to object in writing to the claim and to provide a factual and legal basis for each objection. The proposed regulations would put the burden of proof on the claimant. It places responsibility on the holders of the claims to define, file, and defend them in court.

This legislation will prevent roads from deteriorating which have been locked up. Most important, the legislation will preserve the ability of citizens to access public lands and, in many cases, private lands to mine, hunt, fish, camp, hike, view wildlife, and enjoy our fabulous natural beauty.

The bill is not without its critics. The administration has already claimed that the bill will make it too easy to file new claims, and too burdensome for the Government to reject ones that do not meet the statutory criteria. Mr. President, I believe that we can take steps that will permit us to work through a large portion of the outstanding claims and I intend to work closely with my colleagues to do

so. I encourage my colleagues to support this legislation and I look forward to assisting the chairman in any way possible to move this bill quickly through the Senate.

By Mr. THURMOND (for himself and Mr. CRAIG):

S. 1426. A bill to eliminate the requirement for unanimous verdicts in Federal court; to the Committee on the Judiciary.

#### FEDERAL COURT LEGISLATION

Mr. THURMOND. Mr. President, I rise today to introduce legislation on behalf of myself and Sen. LARRY CRAIG of Idaho to amend the Federal rules of criminal and civil procedure to allow convictions on a 10 to 2 jury vote.

It is my belief that this change to the Federal rules will bring about increased efficiency in our Nation's court system while maintaining the integrity of the pursuit of justice.

This legislation is consistent with the Supreme Court ruling concerning unanimity in jury verdicts, specifically in *Apodaca v. Oregon*, 406 U.S. 404. In that case, the Supreme Court ruled that the sixth amendment guarantee of a jury trial does not require that the jury's vote be unanimous. The Supreme Court affirmed an Oregon Court of Appeals decision which upheld a guilty verdict under an Oregon law that allowed a 10 to 2 conviction in criminal prosecutions.

Mr. President, clearly there is not a constitutional mandate for the current requirement under the Federal rules of criminal and civil procedure of a jury verdict by a unanimous vote. The origins of the unanimity rule are not easy to trace, although it may date back to the latter half of the 14th century. One theory proffered is that defendants had few other rules to ensure a fair trial and a unanimous jury vote for conviction compensated for other inadequacies at trial. Of course, today the entire trial process is heavily tilted toward the accused with many, many safeguards in place to ensure that the defendant receives a fair trial.

Although majority verdicts were permitted during 17th century America in South Carolina, North Carolina, Connecticut, and Pennsylvania, unanimous verdicts became an accepted part of common-law juries by the 18th century.

Mr. President, I found it interesting that the proposed language for the sixth amendment, as introduced by James Madison in the House of Representatives, provided for trial by jury as well as requisite of unanimity for conviction. While this particular proposal was passed by the House with little change, it met a significant challenge in the Senate and was returned to the House in a different form. Later, a conference committee was appointed and reported the language adopted by the Congress and the States which reflects the current sixth amendment.

The earlier House proposal requiring a unanimous jury verdict for conviction

was considered and not made a part of the sixth amendment. For purposes of discussion of this legislation, I will quote the pertinent part of the sixth amendment: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed."

The sixth amendment includes some features of common-law juries. However, the Supreme Court has admonished reliance on the easy assumption that if a given feature existed in a jury at common law in 1789, then it was necessarily preserved in the Constitution. So here we see the Supreme Court has noted specifically that all features of the common-law jury are not mandated by the Constitution.

Mr. President, there may be a number of inferences to be drawn from the deletion of the unanimity for conviction requirement in the proposed sixth amendment. One point we cannot escape is the fact that a unanimity requirement was considered by our Founding Fathers and determined that it should not be constitutionally mandated.

In *Duncan v. Louisiana*, 391 U.S. at 156, the Supreme Court stated that the purpose of the right to a trial by jury is to prevent oppression by the Government by providing a "safeguard against the corrupt or overzealous prosecutor and against the biased or eccentric judge." Carrying this view further in the subsequent case of *Williams v. Florida*, 399 U.S. 78 (1970), the Supreme Court stated, "The essential feature of a jury obviously lies in the interposition between the accused and his accuser of the commonsense judgment of a group of laymen" *Williams*, supra, at 100.

Juries are representative of the community and their solemn duty is to hear the evidence, deliberate, and decide the case after careful review of the facts and the law. Of course, this should be done free of intimidation from outside and within the jury. The Supreme Court has noted that a jury can responsibly perform its function whether they are required to act unanimously or allowed to decide the case on a vote of 10 to 2.

There are cases where a requirement of unanimity produced a hung jury where had there been a nonunanimous allowance the jury would have voted to convict or acquit. Yet, in both instances, the defendant is accorded his constitutional right of a judgment by his peers. It is my firm belief that this legislation will not undermine the pillars of justice or result in the conviction of innocent persons.

The American people, I believe, will strongly support change in the Federal rules of criminal and civil procedure to allow a jury conviction by a vote of 10 to 2. This change for jury verdicts in the Federal courts will also reduce the likelihood of a single juror corrupting

an otherwise thoughtful and reasonable deliberation of the evidence.

Mr. President, I hope the Congress will give careful and favorable consideration to this proposal and I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1426

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. AMENDMENT OF FEDERAL RULES OF CRIMINAL PROCEDURE.

Rule 31(a) of the Federal Rules of Criminal Procedure is amended by striking "unanimous" and inserting "by five-sixths of the jury".

#### SEC. 2. AMENDMENT OF FEDERAL RULES OF CIVIL PROCEDURE.

Rule 48 of the Federal Rules of Civil Procedure is amended—

(1) by inserting after the first sentence the following: "The verdict shall be by five-sixths of the jury."; and

(2) in the last sentence, by striking "(1) the verdict shall be unanimous and (2)".

#### ADDITIONAL COSPONSORS

S. 881

At the request of Mr. PRYOR, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 881, a bill to amend the Internal Revenue Code of 1986 to clarify provisions relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes.

S. 969

At the request of Mrs. KASSEBAUM, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 969, a bill to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and for other purposes.

S. 1137

At the request of Mr. THOMAS, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 1137, a bill to amend title 17, United States Code, with respect to the licensing of music, and for other purposes.

S. 1228

At the request of Mr. D'AMATO, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 1228, a bill to impose sanctions on foreign persons exporting petroleum products, natural gas, or related technology to Iran.

S. 1253

At the request of Mr. ABRAHAM, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 1253, a bill to amend the Controlled Substances Act with respect to penalties for crimes involving cocaine, and for other purposes.

S. 1375

At the request of Mr. BURNS, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1375, a bill to preserve and strengthen the foreign market development cooperator program of the Department of Agriculture, and for other purposes.

### NOTICE OF HEARING

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT AND THE DISTRICT OF COLUMBIA

Mr. COHEN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management and the District of Columbia, Committee on Governmental Affairs, will hold a hearing on Wednesday, November 29, 1995, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building, on S. 1224, the Administrative Dispute Resolution Act of 1995.

### ADDITIONAL STATEMENTS

#### IRANIAN HUMAN RIGHTS ABUSES

• Mr. D'AMATO. Mr. President, I rise today to deplore Iran's abominable human rights practices, and to remind my colleagues that Iran's continued abuse of the fundamental rights of its own citizens is one of the reasons why I have offered legislation intended to increase economic pressure on this outlaw regime in Tehran.

Human rights organizations all over the world have been deploring the Islamic Republic of Iran's human rights abuses against women, religious and ethnic minorities for years.

This is a country that sentences women to death for adultery, and then carries out the death penalty by bundling them into a postal sac and throwing them from the roof of a 10-story building.

This is a country that still carries out public stonings, and even has a strict legal code to govern the size stones citizens are to use to stone their fellow citizens. Stones too large are not to be used, because death will be inflicted too quickly. Stones too small are to be avoided, because death doesn't come at all. The stones have to be just the right size to allow the victim to suffer for a very long time, and to ensure that they will die of their wounds.

This is a country that continues to use paramilitary security forces to harass and intimidate people in the street, and that closes newspapers because of a political cartoon comparing the Supreme Leader to a comic strip figure.

This is a country where to be a candidate in an election you must first be deemed to be a supporter of the sitting Government. And this is a country, Mr. President, that continues to be cited, year after year, by the Special Representative of the U.N. Subcommission on Human Rights for its systematic use of torture, arbitrary arrests, and summary executions.

These practices were described in an article appearing in a Paris-based newsletter nearly 5 years ago, which I ask to have printed in the RECORD at the conclusion of my remarks, along with more recent material supplied to my office by the Foundation for Democracy in Iran, a human rights advocacy group.

Mr. President, I would like to call your attention to a few of the lesser known human rights abuses of the clerical regime in Tehran: its repression of religious and ethnic minorities.

As cited by the 1995 report of Middle East Watch, and the February 1994 report of U.N. Special Representative on Human Rights for Iran, the Iranian security forces conduct arbitrary arrests of Kurdish, Balouch, Turkomen, and other ethnic minorities, and to subject these minorities to cruel and degrading punishments in Iranian jails, including torture and summary execution.

Similarly, as the State Department's February 1995 Report on Human Rights points out, the clerical regime discriminates against citizens of other religious persuasions than the dominant Shiite Moslem faith. Baha'is, Jews, and Sunni Muslims have been arrested over the past year for no other reason than their faith, and some of these individuals have been executed.

In fact, the Islamic Republic has engaged in a deliberate policy to suppress the rights of its Sunni minority, and in particular members of the Balouchi tribes in eastern Iran. On February 1, 1994, riots broke out in Zahedan, Mashed, and Khaf after 500 municipal workers demolished a Sunni mosque in the Zahedan district. On January 10, 1993, Iranian Revolutionary Guards troops attacked Balouchi residents in the village of Robat, when the homes of an estimated 50 families were set on fire in an attempt to secure a single individual, Haji Pirdad. The U.N. Special Representative for Human Rights reported on February 2, 1994 that 20 Balouchis were executed in December 1992 and February 1993 in Zahedan prison, while Amnesty International reported that 42 Balouchis including minors were executed between November 1991 and March 1992.

I believe, Mr. President, that this behavior by the Islamic Republic just goes to show that we are dealing with an outlaw regime that cares little about its own people. If it cares so little about its own people, how will it act toward others?

Iran is isolated and universally viewed as a pariah state. Its actions are abhorrent to the civilized world. As long as this warped, terroristic regime continues to punish the Iranian people with its misrule, this condition will continue. The tyrants in Tehran must understand their aggression and abuse of the good people of Iran will not last, and one day they will be brought to task for their actions.

While the tyrants continue to rule in Tehran, sanctions are a clear way to keep up the pressure on Iran and to

deny them the ability to carry out their aggression on the outside world as well as against their own people. We do not take these issues lightly. It is a pity that the regime cannot act like a civilized country and not be so abusive. If only Iran would not conduct these brutal actions, we would not have to place sanctions on it.

The article follows:

[From Mednews, No. 4.4, Dec. 3, 1990]

#### HUMAN RIGHTS ABUSES IN IRAN

The "moderate" regime in Tehran so dear to Washington policymakers has failed the test again—the test of human rights. Three recent reports on human rights abuses in Iran show beyond a doubt that extreme caution is still needed in dealings with the current regime in Iran.

The reports were prepared independently by Amnesty International, the United Nations, a Paris-based Iranian exile group, the Foundation for the Independence of Iran. All three conclude unequivocally that human rights abuses have increased markedly since the end of the Gulf war, despite Iranian government claims to the contrary.

In his second report in thirteen months, which was released in late November, the UN's Reynaldo Galindo Pohl confirms that at least 113 Iranians have been executed since March 21, the start of the Iranian New Year.

In fact, Pohl's figures fall far short of the mark—once again. Accounts published in the official Iranian media alone show more than 600 deaths by execution since March 21. Last year, that figure reached 2,500. When he questioned the Iranian authorities about the executions during his first visit to Tehran during the fall of 1989, Mr. Pohl was told that the victims were "ordinary criminals," not political prisoners, and that all had been "treated in conformity with the Ta'zirat and the standards of Islamic law." Allegations of torture and summary execution were groundless, Pohl explained, since Iran did not maintain that its laws adhered to the universal declaration of human rights.

Amnesty International recently quoted Iran's "Islamic" law on lapidation and concluded: "In Iran, stoning someone to death isn't against the law. Using the wrong stone is." [See illustration.] Yet another Amnesty report on Human Rights abuses in Iran is scheduled for release on December 5.

The Foundation for the Independence of Iran has chosen to stick to accounts published in the Iranian press, and recently presented a detailed report to the French government on human rights abuses in Iran.

Here are just a few of the more startling examples the Foundation discovered:

July 26: Keyhan announces that forty women have recently been stoned to death. "Whippings, sectioning of fingers and hands are common punishments" in Iranian prisons.

August 17: The Iranian Press Agency (Irna), quoted by Nimrooz, acknowledges that 14,000 persons have been arrested during the past two months, mostly for drug trafficking. On the personal orders of President Rafsanjani and Intelligence Minister Fallayian, they were deported to work camps on the Island of Endourabi.

August 24: Nimrooz reported that a woman accused by her husband of infidelity was sentenced to an unusual death in Tehran. She was sewn into a burlap bag and thrown off the roof of the Ministry of Justice.

August 30: Keyhan reports that 45-year old Ebaolollah Kiani was condemned to death by stoning in the central square of the town of Nahavandi, for having had intercourse with a woman.



August 31: Nimrooz reports that anti-government slogans chanted during a football match in Tehran led to mass arrests. Two thousand persons received prison terms ranging from 5 years to life, while many others were executed, [Opposition sources believe as many as 400 were sentenced to death].

September 7: Nimrooz reports that a fight between two men in the town of Rey ended in blows and the death of one of the men, Hassan Ahmadi. As punishment, the mollahs of the town ordered that his assailant, Nader Zandi, be taken to the town square and beaten to death by the crowd, under the principle "an eye for an eye . . ."

September 13: Keyhan lists the names of 51 persons who were hanged in a single day in the cities of Mashad and Khach, on charges of drug-trafficking and illegal possession of weapons.

October 4: Keyhan lists the names of 65 persons executed by hanging in the towns of Mashad, Zahedan, Malayer, Busheir, Ardebil, and Sabzevar. In Kermanshah two petty criminals had fingers chopped off as punishment for theft.

Meeting with members of the French government's Human Rights Commission on November 22, the Foundation's President, Colonel Hassan Aghilipour, noted that the new European Charter just signed by 34 heads of State in Paris "devoted 45 lines to human rights," while in Iran executions and deportations were occurring daily. "There are 150,000 Iranians now condemned to Islamic gulags in the southeast of Iran and on the Persian Gulf islands," Aghilipour said.

OCTOBER 20, 1995.

*Subject: Execution and arrest of Kurds in Iran.*

FOUNDATION FOR DEMOCRACY IN IRAN

The Foundation for Democracy in Iran is concerned over recent reports from Iranian Kurdistan regarding the execution of 10 Kurds and the arrest of at least 26 others.

According to the opposition Democratic Party of Iranian Kurdistan (DPIK), 10 Kurdish political prisoners accused by the regime of being DPIK supporters were executed or died under torture in late September.

Six of the prisoners, Kurdish villagers from northwestern Iran, were executed by firing squad after a year of detention in Orumiyeh prison, the group said. Three others died under torture. The tenth, a Kurdish villager identified as Rashid Abubakri, was hanged on Sept. 21, also in Orumiyeh prison. All were detained and executed on the grounds they were supporters of a banned political opposition group.

In early October, the Iranian press reported that 345 persons had been arrested in Orumiyeh district at the same time as the alleged DPIK sympathizers were executed. On October 7, 1995, the DPIK released the names of 26 Kurdish civilians it claims have been arrested over the past two months in the Orumiyeh and Salmas regions in northwestern Iran, on charges of cooperating with a banned political opposition group. Those arrested were identified as follows:

1. Asgar Darbazi, son of Omar, native of the village of Barazi.
2. Aziz Hayavani, son of Shino, native of the village of Barazi.
3. Pros Azizi, son of Hussein, native of the village of Barazi.
4. Dino Ibrahim, son of Saleh, native of the village of Barazi.
5. Salahaddin Faghapur, son of Saleh, native of the village of Barazi.
6. Ghamar Mirazai, son of Timur, native of the village of Dostan.
7. Saleh Amini, son of Khaled, native of the village of Gozek.
8. Yunes Amini, his son, born in the same village.

9. Naji Mohammadi, son of Mohammad, native of the village of Gozek.

10. Omar Mohammadi, son of Timur, native of the village of Gozek.

11. Doctor Shirvan, son of Mostafa, native of the village of Haraklan.

12. Sadigh Alizadeh, son of Abubakr, native of the village of Haraklan.

13. Afshar Laal, son of Abdul Rahman, native of the village of Kalarash-Sofla.

14. Shafigh Hakkari, son of Reza, native of the village of Kalarash-Sofla.

15. Bakra Hakkari, son of Sultan, native of the village of Kalarash-Sofla.

16. Taghsim Mirzai, son of Mirza, native of the village of Tarikan.

17. Nuraddeen Taheri, son of Jahanghir, native of the village of Tarikan.

18. Farhad Zareh, son of Sayda, native of the village of Sharvani.

19. Tajaddeen Faghazadeh, son of Sadigh, native of the village of Sharvani.

20. Nasser Zarch, son of Mullah Sultan, native of the village of Sharvani.

21. Majid Hussein, son of Mullah Sayed, native of the village of Sharvani.

22. Nosrat Hassanzadeh, son of Khaled, native of the village of Sharvani.

23. Faysal Zareh, son of Tamo, native of the village of Sharvani.

24. Sadigh Majidi, son of Mamo, native of the village of Hamamlar.

25. Zaher Ahmadi, native of the village of Koran.

26. Ahmad Sultani, son of Smeh, native of the village of Islamabad.

The Foundation condemns the execution of individuals for their political beliefs, and calls on the UN Rapporteur for Human Rights to investigate these reports. The Foundation further condemns the recent round-ups of Kurdish civilians by the Iranian authorities as a clear attempt to intimidate citizens from the legitimate non-violent expression of their political beliefs.

OCTOBER 22, 1995.

*Subject: New Security Violates Human Rights.*

FOUNDATION FOR DEMOCRACY IN IRAN

The Foundation for Democracy in Iran is concerned that a sweeping new security law voted by the Iranian Parliament (Majlis) on October 17 adds a new threat to the human rights of ordinary Iranian citizens. The new law criminalizes a wide variety of non-violent political activity, and creates broad categories of "seditious" behavior that are punishable by law. It also creates a sweeping new "national security" provision, which can be used against political opponents both inside and outside Iran. This new law goes far beyond existing statutes in the Islamic Republic and suggests that recent riots in South Tehran and labor strikes in major factories may have destabilized the regime much more than previously thought.

The law imposes a penalty of two to ten years in prison for anyone, regardless of ideology, who forms or leads a group of more than two members, in Iran or abroad, with the aim of threatening the country's security, Tehran radio reported. For defendants who are found by an Islamic court to be "mohareb"—infidels—the penalty is death.

Under this provision, the Islamic Republic could claim legal justification in kidnapping political opponents living outside of Iran. A first instance of this appears to have occurred on September 27, when Ali Tavassoli, a former central committee of the Fedayeen (Majority) Organization, was reportedly kidnapped by Iranian government agents in Baku. Mr. Tavassoli had traveled to Azerbaijan from Britain for a business meeting. According to the Fedayeen he had retired from their active leadership in 1989.

Other provisions of the new law raise the intimidation level against ordinary Iranians

for any contact with foreigners or fellow citizens suspect of contact with foreigners.

The new law:

imposes a maximum ten year jail sentence on anyone convicted of passing "confidential" information on Iran's domestic or foreign policies to unauthorized persons;

imposes a maximum ten year jail sentence on "attempts to demoralize the armed forces and the police," including appeals to soldiers to desert.

a maximum five year jail sentence for foreign nationals caught spying in Iran on behalf of a foreign state;

This sweeping new security law is a clear violation of the fundamental human rights of Iranian citizens. The Foundation vigorously condemns these efforts by the Iranian regime, and calls on Iran's Majlis to rescind the law before it goes into effect.●

#### THE DEATH OF HENRY J. KNOTT, SR.

● Ms. MIKULSKI. Mr. President, with great sadness, I rise today to pay tribute to an extraordinary man. Henry J. Knott, Sr., died yesterday at the age of 89. For many decades, we knew him in Baltimore and throughout Maryland as a talented businessman and a philanthropist whose generosity knew no bounds.

I first want to express my deepest condolences to his wife of 67 years, Marion Burk Knott, his 12 children, his 51 grandchildren, and his 55 great-grandchildren.

People in positions of power and responsibility should serve as role models for our young people and give something back to their communities. I have great admiration for people who have a sense of civic responsibility, for people who try to make their community a better place to live.

Mr. Knott epitomized these qualities. Throughout his career, he sought to help those less fortunate than himself get a better education and lead better lives. He donated millions of dollars to Catholic educational institutions like his alma mater, Loyola College; Mount St. Mary's College, Emmitsburg; the College of Notre Dame in Maryland; and the University of Notre Dame in Indiana.

His legendary generosity extended well beyond education. He provided enormous help to health and cultural institutions as well. He donated essential funds to the Baltimore Symphony Orchestra, the Johns Hopkins Oncology Center, and several Baltimore hospitals to help them establish an income fund to provide medical care for the poor.

His many business activities earned him a reputation as a highly disciplined and hard-working person. But his civic and charitable activities showed us that he was also an extremely modest person who had very deep feelings for the Catholic Church, his community, and the people around him.

In a 1987 Baltimore Magazine article, he was asked about his prodigious philanthropy. He replied that making money was "like catching fish. You get up early. You fill the boat up with fish.

And then you give them all away before they start to rot." This quote says a great deal about Henry Knott. He saw his wealth as a way to make life better for others. He never lost sight of this goal.

I mourn Henry Knott's death along with his family and the rest of Maryland. We will miss him greatly. However, I am very grateful that he was with us for 89 years, and I rejoice that he left Maryland and our Nation a better place than he found it.●

#### NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, REGARDING EDUCATIONAL TRAVEL

● Mr. MCCONNELL. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received notification under rule 35 for Kari Austin, a member of the staff of Senator KASSEBAUM, to participate in a program in Germany sponsored by the Konrad Adenauer Foundation from November 11-18, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Austin in this program.

The select committee received notification under rule 35 for Kevin Wilson, a member of the staff of Senator PELL, to participate in a program in Germany sponsored by the Konrad Adenauer Foundation from November 11-18, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Wilson in this program.

The select committee received notification under rule 35 for Eric Burgeson, a member of the staff of Senator DOLE, to participate in a program in Korea sponsored by the Korean Economic Institute from November 18-26, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Burgeson in this program.●

#### DOMESTIC SUGAR POLICY

● Mr. CRAIG. Mr. President, I find it necessary today to set the record straight on the issue of domestic sugar policy. My remarks are in reference to comments made on November 17, 1995, by my good friend from Nevada, Senator REID, and on November 18, 1995, by my colleague from New Hampshire, Senator GREGG.

##### EVERYONE BENEFITS FROM FAMILY FARMERS

First, let me tell you about the significant importance of sugar to my

State of Idaho; 1,800 family farms raise sugar beets on an annual basis. These farms combine to grow over 200,000 acres and produce over 5 million tons of sugar beets. Sugar beets are the third largest crop in Idaho after potatoes and wheat.

Sugar-beets are also important to the communities where these family farmers live. Farmers generate sales at local businesses for their vehicles, fuel, farm implements, irrigation materials, fertilizer, and other inputs.

These sugar-beet farmers are also efficient. Of the 31 countries around the world that produce beet sugar, the U.S. beet-sugar industry is the second lowest cost producer. While these farmers are efficient, they need the stability of U.S. sugar policy to compete against unfair subsidies and trade practices used by foreign countries.

Sugar beets provide direct employment opportunities in Idaho communities. There are three processing facilities in Idaho—plus one in nearby Nyssa, OR—owned by the Amalgamated Sugar Co., that combine to pay in excess of \$45 million in salary and wages to their employees. There are 1,200 people employed year round and at the seasonal peak total employment approaches 4,000 people.

The Amalgamated Sugar Co., also pays \$50 million annually to the truck and rail transporters of raw beet sugar and the finished products.

##### ERRONEOUS GAO REPORT

My colleagues cited an erroneous figure of \$1.4 billion in annual consumer costs. This figure is based on an April 1993 General Accounting Office report. The U.S. Department of Agriculture recently admonished the GAO report for its flawed estimates, omitted data and ambiguous results.

In an October 24, 1995, letter, Under Secretary Gene Moos wrote that

Some data were used incorrectly and important data and sugar market issues were not considered . . . Based on this world price estimate and an average U.S. sweetener price over 1992-1994, a more normal price period, it can be shown using GAO's methodology, that there are no costs to domestic users and consumers.

Mr. Moos continues:

The estimated effects of the U.S. sugar program are highly sensitive to expected world prices if global sugar trade is liberalized. GAO's analysis, in my judgement, does not adequately consider the complexities and dynamics of the U.S. and global sugar markets.

The erroneous GAO results have been misinterpreted by my colleagues. First, the mistaken \$1.4 billion cost is not a payment to beet or cane producers. Sugar is not like the wheat or corn program; sugar farmers do not receive a Government payment. Rather, sugar growers pay a marketing assessment on their sugar that goes directly toward deficit reduction. Over the course of the Balanced Budget Act of 1995, the sugar assessment will provide \$287 million in deficit reduction.

Mr. President, at the conclusion of my remarks, I ask that the text of the

letter from Mr. Moos of USDA to Representative PATSY MINK regarding the erroneous GAO report be printed in its entirety.

##### WORLD AND U.S. SUGAR PRICES

To fully understand the selling price of sugar here and abroad, my colleagues need additional insight and information.

It is important to realize that the world sugar market is very volatile due to the small quantities traded and large number of countries with protectionist policies. According to USDA, all 110 countries producing sugar subsidize their sugar production, consumption, and/or trade in some way.

The world price of sugar has ranged from more than 60 cents per pound in 1974 and more than 40 cents per pound in 1980 to less than 3 cents per pound in 1985.

This world price does not correspond with the world cost of production. In fact, a 1994 Landell Mills study showed that the world price average of 8.4 cents per pound between 1982-92 and the average cost of production was estimated at 17.5 cents per pound during the same period.

This obvious presence of a world dump market does not and would not allow foreign needs to meet domestic demands at the suggested lower price. U.S. consumers use about 9 million tons of sugar each year, which is equal to more than a third of the total sugar traded on the world market each year.

##### PROGRAM EXTENSION

The gentleman from New Hampshire also took issue with the fact that the sugar program was extended for 7 years. Mr. President, for the record I would like to note that all agricultural commodities were extended for 7 years. Yes, every single commodity in the act title of the Balanced Budget Act. This includes not only sugar, but wheat, cotton, rice, peanuts, corn, and barley.

I would point out that the Balanced Budget Act of 1995 was designed to achieve a fiscal balance by 2002 and thus most, if not all, of the bill's provisions were approved in 7-year timeframes.

##### RECORD OF COMMITTEE REVIEW

For the record, I would also like to review the process of hearings and committee markups that the sugar section of the bill underwent prior to final inclusion. To suggest that the sugar program slipped into the bill is an insult to the members of the Senate Agriculture Committee.

Last December, the Agriculture Committee chairman, Senator LUGAR, asked 53 questions about domestic agriculture and rural policy that began an extremely comprehensive schedule of committee hearings. Eight full committee hearings were held between March and June to form the foundation of the 1995 agricultural legislation. Four subcommittee hearings were also held in May and June. In addition, I personally chaired a field hearing in Pocatello, ID, on August 15 to thoroughly review farm policy, including

sugar. In addition, the full committee participated in 2 days of lengthy debate in late September prior to final approval of the bill.

#### SUGAR PROGRAM PASSES THE REFORM TEST

In closing let me briefly review the significant reform submitted as a result of the thorough committee process and recently approved by the Congress in section 1107 of the Balanced Budget Act.

The sugar program of the future is definitely not the sugar program of the past. Consistent with the other ag policy changes, the sugar program contributed to deficit reduction and was rewritten to more closely respond to market signals.

Sugar program reform included the removal of marketing allotments, a shift to recourse loans, an increased assessment, and a penalty that effectively lowers the loan rate by a penny.

In past years, sugar production was controlled by a system of marketing allotments. This bill removes those production controls. The Government will no longer tell farmers where and in what quantity they can raise sugar. This major reform signifies the end of sugar-supply management.

A recourse loan provision will now apply to the sugar program. Other commodities, and previously sugar, utilized a nonrecourse loan program. This meant the Government had no means of recovering a defaulted loan except collection of the commodity used as collateral. The new sugar program will not allow that risk to the Federal Government. This is significant to farmers, because it eliminates any guarantee of previous minimum payments.

The most significant reform provision is a new penalty on any sugar that is forfeited to the Government. This 1-cent penalty effectively lowers the loan rate by a penny. That occurs because the loan holders will lower the sales price of their sugar to avoid paying the newly instated penalty.

There are significant real life effects of a 1-cent decrease in the sugar loan rate. The average Idaho farmer raises 128 acres of sugar beets according to the latest data. The USDA says they will average 25 tons of sugar beets per acre this year and, given the national average extraction rate, this means they will produce 6,924 pounds of refined sugar on each acre they harvest in Idaho.

In Idaho, like most of the rest of the areas where sugar beets are grown, the farmer has a contract with the company that processes the sugar beets and it provides that the farmer will get 60 percent of the value of the sugar he produces.

Thus, the farmer's share of 1-cent reduction is 60 percent. Six-tenths of a cent a pound times 6,924 pounds per acre equals \$41.55; \$41.55 loss per acre times the average Idaho farmer's 128 acres equals \$5,318.40.

Let me repeat, a 1-cent reduction in the value of sugar per pound will cost the average Idaho farmer \$5,318.40.

That \$5,318.40 is very often the difference between profit and loss for many farmers even during prosperous, let alone difficult, economic times in rural America.

Unfortunately, there is no guarantee that the loss to producers would be passed on as savings to consumers.

A 1-cent reduction might seem minimal to those not familiar with the program, but it is not.

Mr. President, in closing, I ask that my colleagues consider my words carefully and come to appreciate the reforms that have been made to the domestic sugar program. I also want to commend the other members of the Senate Agriculture Committee that combined to craft sugar policy that this Congress can be proud to point to as an example of market driven reform. Most importantly, I offer my gratitude to the farmers and ranchers from across this country that continue to produce a bountiful, safe, and reasonably priced food supply.

The text of the letter follows:

DEPARTMENT OF AGRICULTURE,

Washington, DC, October 24, 1995.

Hon. PATSY T. MINK,

House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSWOMAN MINK: Thank you for your letter of July 26, 1995, concerning the General Accounting Office (GAO) report that stated that the U.S. sugar program costs domestic users and consumers an average of \$1.4 billion annually and GAO's July 1995 analysis that the sugar program cost the Government an additional \$90 million in 1994 for its food purchase and food assistance programs.

In my opinion, GAO's April 1993 report was flawed in its estimates. Some data were used incorrectly and important data and sugar market issues were not considered. Based on GAO's methodology, but by selecting prices in different time periods, the results are more ambiguous. Depending on the time-frame, one may contend that the domestic sugar program either costs or benefits U.S. users and consumers.

GAO's estimate of \$1.4 billion annually was based on an assumption of a long-run equilibrium world price of 15.0 cents per pound of raw sugar if all countries liberalized sugar trade. GAO added a transportation cost of 1.5 cents per pound of raw sugar to derive a landed U.S. price (elsewhere in the report GAO stated that the transportation cost adjustment should be 2.0 cents per pound.) To derive a world price of refined sugar of 20.5 cents per pound, GAO added a refining spread of 4.0 cents per pound.

GAO compared its constructed U.S. sweetener price with its derived world price. However, GAO constructed the U.S. price for the 1989-1991 period during which 1989 and 1990 were unusually high price years for U.S. refined sugar. This exaggerated the difference between the so-called world derived price and the U.S. sweetener price. By selecting a period of world price spikes, such as 1973-1975, GAO's analysis would show an annual savings to domestic users and consumers of \$350 to \$400 million.

Clearly, the expected world price of raw sugar with global liberalization is critical to any analyses of the effects of the U.S. sugar program. In 1993, the Australian Bureau of Agricultural and Resource Economics (ABARE) estimated that sugar trade liberalization in the United States, European Union, and Japan alone would result in an

average world price of 17.6 cents per pound of raw sugar—2.6 cents per pound higher than GAO's derived world price.

Based on the ABARE analysis and using a transportation cost of 1.75 cents per pound, which more accurately reflects global transportation costs to the United States, plus a refining spread of 4.27 cents per pound (Landell Mills Commodities Studies, Incorporated), a world price of refined sugar is estimated at 23.6 cents per pound. Based on this world price estimate and an average U.S. sweetener price over 1992-1994, a more normal price period, it can be shown using GAO's methodology, that there are no costs to domestic users and consumers.

The estimated effects of the U.S. sugar program are highly sensitive to expected world prices if global sugar trade is liberalized. GAO's analysis, in my judgment, does not adequately consider the complexities and dynamics of the U.S. and global sugar markets.

With respect to the effects of the U.S. sugar program on Government costs of its food purchase and assistance programs, an independent analysis by the Economic Research Service (ERS) estimates the cost at \$84 million based on the difference between U.S. and world refined sugar prices in 1994. However, just as for the GAO analysis, different effects could be estimated by using other time periods when the price gap between U.S. and world prices was smaller. Moreover, with global liberalization, the price gap would narrow because of the dynamics of adjustment which were not considered in the ERS analysis.

Sincerely,

EUGENE MOOS,  
Under Secretary for Farm and  
Foreign Agricultural Services.●

#### TRIBUTE TO ISRAEL COHEN

● Ms. MIKULSKI. Mr. President, I rise today to pay tribute to a great man and a great friend. Late last Wednesday, Israel Cohen, the chairman of Giant Food, passed away at 83.

Izzy Cohen was more than simply a successful businessman. He was a leader. He understood the complicated relationship between labor and management as well as, if not better than, anyone I can remember. He knew that the success of his business was directly related to the health and well-being of his employees. He was a man who always had time to visit with his employees, no matter how busy he may have been. He worked as hard for them as they did for him.

Mr. President, the Washington Post ran a story about Izzy on Friday, November 24. The story tells of employees waiting around after putting in a full shift to meet and shake hands with him. It tells how he created a family atmosphere with his employees, refusing to be called Mr. Cohen, but insisting on Izzy. It stresses his most fundamental philosophy: to recognize the value and importance of every single worker at his stores, from the President of the company to the high-schooler who bags groceries on Saturday afternoons.

It tells of his dedication to providing the best service possible—even if that meant he had to jump in behind a cash

register and bag a customer's groceries himself. This is a lesson from which every American should learn.

But Izzy Cohen was more than just a businessman. He was a good friend. He never hesitated to share his feelings and insights with me, to help me get a better perspective on whatever issue was foremost on my mind.

There is a lesson for all of us in Izzy Cohen's life: The most successful businesses are the ones in which workers and management act as a team. He proved that when management takes care of its workers, the workers will take care of management.

Mr. President, the two groups are inextricably linked. Each relies on the other to succeed. And when the workers feel that they are getting a fair shake, that the boss is looking out for them, they will do everything they can to ensure the vitality of the business.

It is my hope and belief that those who take over for Izzy Cohen will continue his work. I would also like to see workers and managers all across America learn from Izzy's example so that both groups, working together, achieve the success he and his employees have realized over the past 60 years.●

#### THE AFTERMATH OF THE ASSASSINATION OF YITZHAK RABIN

● Mr. D'AMATO. Mr. President, I rise today to comment briefly on the aftermath of the assassination of Israeli Prime Minister Yitzhak Rabin.

Following this tragedy, there was a great hue and cry as to who was responsible for the assassination. I would like to state that this is not a time for finger pointing, it is a time for investigating all those responsible for this murder and then, and only then can we accurately ascribe blame. At any rate, we must concur on one point: reasonable people can disagree, but murder is not a recourse or solution to a problem.

In light of this, I would ask that the text of a message of thanks from the Conference of Presidents of Major American Jewish Organizations to all those who offered their condolences be printed in the RECORD at the conclusion of my remarks.

The text of the message follows:

[From the New York Times Nov. 21, 1995]  
THANK YOU TO ALL WHO JOINED IN SAYING  
"SHALOM CHAVER"

(By the Conference of Presidents of Major American Jewish Organizations, Leon Levy, Chairman, Malcolm Hoenien, Exec. Vice Chairman)

We deeply appreciate the outpouring of condolences and solidarity from the bipartisan leadership of our country led by the President and our fellow Americans of all faiths, races and walks of life following the tragic assassination of Israel's Prime Minister Yitzhak Rabin.

This was a remarkable demonstration of the American spirit and the bonds of humanity that link us all. It also reflects the special relationship with the state and people of Israel and support for the peace process.

The countless expressions of concern and caring will be a lasting remembrance and an inspiration for the future.

*This ad made possible by a grateful Jewish American.●*

#### ORDERS FOR TUESDAY, NOVEMBER 28, 1995

Mr. THURMOND. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10:30 a.m. on Tuesday, November 28; that following the prayer, the Journal of the proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and that there then be a period for morning business until the hour of 12:30 p.m., with Senators permitted to speak therein for up to 5 minutes each, with the following exceptions: Senator DORGAN or designee, 45 minutes; Senator THOMAS or designee, 45 minutes.

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

Mr. THURMOND. Mr. President, I further ask unanimous consent that the Senate stand in recess from the hours of 12:30 p.m. to 2:15 p.m. for the weeklong vote on the ICC sunset bill. Without objection, it is so ordered.

#### PROGRAM

Mr. THURMOND. Mr. President, for the information of all Senators, at 2:15 on Tuesday, it will be the leader's intention to begin consideration of S. 1396, the ICC sunset bill. Rollcall votes can therefore be expected during tomorrow's session.

#### ORDER FOR RECESS

Mr. THURMOND. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senator GLENN.

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

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

#### THE SITUATION IN BOSNIA

Mr. GLENN. Mr. President, I followed with great interest the comments made on the floor today, and on previous days, regarding the President's speech this evening on the situation in Bosnia and our potential participation in that effort.

I have said all along that I thought the odds were stacked against a peace agreement that we could work on and that had sufficient detail to enhance the likelihood of doing some good in that troubled area of the world.

We do, however, have an agreement that has been hammered out in Day-

ton. We should look at several things with regard to the agreement and what happens after the agreement. I said all along—and I say again today—the agreement must be specific in its detail. You cannot draw a line that is not exact. We cannot go over there and put our people in harm's way and find out later that something was not agreed to or that a line was not agreed to, or was not marked out closely enough. We must know precisely what we are protecting and who we are keeping apart. That kind of detail appears to have been worked out in Dayton.

Today we got a copy of the Proximity Peace Talks. In this, they specify that we will use 1,000 to 50,000 scale maps and charts. This will define the lines down to within 50 meters. Local commanders enforcing the truce within those areas will get together with the local people to define it even down below that 155 or 160 feet that would be the 50 meters. That is a pretty good definition of road intersections and road routes, and all are listed here; they are well defined. We want to see this carried out. It appears that we are well along the way toward defining the agreement in its initial phases.

The final agreement that will be signed in Paris—not just initialed—will even go into more detail, as I understand it. So the first requirement of a peace over there, and for our participation in it, or even considering American participation in it, is to see that we do have that agreement signed with as much detail as possible.

Now, a second requirement is a tough one. That is, a cease-fire has to have taken place and be in effect. That sounds great. Some may think that the military commander puts out word and the cease-fire occurs and that is it. That is not the way it works in that Balkan area. We were briefed on our trip there several weeks ago. One of the big problems over there is that 20 to 50 percent of the people in combat over there are not the regular troops that receive commands down the military chain of command. They are what are called the "irregulars," those who have a village they have been used to defending. They may have a rifle, and one man may be mowing hay one day and he decides it is his turn to protect whatever they are protecting. He then relieves another fellow and maybe takes the same rifle. That other man then goes back and cuts hay for a while. They take turns.

Those irregulars that have interests in particular local areas have been the primary reason why the more than 30 cease-fire agreements have failed in the last couple of years. Over 30 agreements have failed because the irregulars are not really taking their orders from anyone. Once they start firing, other firing starts, and the whole thing breaks down again.

So these two things must be in place before we can even consider sending Americans in there. One, the agreement must be worked out defining

very, very specifically the borders of what belongs in one jurisdiction and what belongs in another. The second is that the cease-fire has to have actually occurred, and that includes the irregulars.

The Proximity Peace Talk agreement document says: "The parties also commit themselves to disarm and disband all armed civilian groups, except for authorized police forces, within 30 days after the Transfer of Authority."

The definition of the lines is in another section. It says the lines will be "accurate to within approximately 50 meters. During the period in which the IFOR is deployed, the IFOR commander shall have the right to determine, after consultation with the parties, the exact delineation of such lines and zones, provided that with respect to Sarajevo the IFOR commander shall have the right to adjust the Zone of Separation as necessary."

They were able to hammer this out and get all parties to initial this agreement, and we hope to have the signing in Paris before too long.

Why is it necessary that we go in at all? If they are willing to go to this length and say we agree we are all tired of war and that is the reason they have come as far as they have—we are tired of war and do not want to fight anymore. We are tired of the killing, tired of seeing people killed, and over 250,000 people have been killed. We are tired of seeing 2 million refugees floating from one place to another. They want peace.

You may ask if they want peace that badly, why can they not just stop fighting? Well, they have a long history, going back several hundred years, of not trusting each other and not fully trusting the people in Europe either. But they trust the United States. To our credit, they trust us, and so we can be a party for good in that part of the world, if we want to be. And if the agreement is signed and if a cease-fire has taken place, then we can keep these irregulars, which I defined a moment ago, from breaking the peace within the 2- to 4-kilometer-wide area between the previously warring parties.

They want peace. If we can help implement it, it seems to me that we can do a great service by doing that.

Secretary Perry described yesterday, once again, the fact that we would not fight our way in. I heard comments on the floor today about whether we are to create peace or not. We are not there to create peace. We are not there to take one side or the other or carry anybody's battle for them. We are there to maintain a peace that will have been established before we move in, with the agreement signed by all parties and with a cease-fire actually having occurred—or we do not go in.

We can help them achieve this peace because the parties trust us as long as we are involved. We did not fight our way in. We establish our separation zones, and we move into those separation zones.

Local violations of the agreement will be met with a preponderance, an overpreponderance of force, as we were briefed by our military commanders in Europe while on our trip just weeks ago.

This is not the U.N. rules of engagement. This is not debating and asking for permission to retaliate if fired upon. As it was described to us, if anyone fires on the forces in there, the implementation forces, they will be met with return fire of overwhelming support.

Now, say someone changes their mind about this, which has been in the paper the last couple of days. Say any of the participants that initialed the agreement change their mind and say they now believe it is a bum deal, and "we will not go on with what we initialed in Dayton." In that case, our participation is not going to occur.

It is that simple. We are not there to go in and fight somebody's war for them. We are there only to help implement a peace that they have said they, themselves, want and that they have initialed in Dayton, and we would only go in after the final signing in Paris.

Any general attempt at breaking the agreement would mean that we would not stay. We are not there to fight anybody's battle or establish peace throughout the Balkans by military action. We are there only to help separate the combatants for this 1-year period while they can see the benefits of peace more than the war that has gone on there for far too long.

Let me put our involvement in a little bit different light. I believe a little risk now—and there is a little risk—may enhance our long-term leadership toward freedom and peace around the world, and in the long run, perhaps, even save lives.

I think those who question American participation could well ask, why did we keep our troops in Korea at the end of the Korean war? Because we have been able to maintain peace in that area. How about the Middle East? We are very much involved in the Mideast. I know we have a good percentage of our population of Jewish heritage, and they are particularly interested in that part of the world, but I think our interest goes well beyond that and we have tried to get a Mideast peace because we care.

We are a nation that wants to see peace. We do not like to see one nation fighting another. We are interested in the Mideast and the peace process there. We have pursued it for years and years and years. We accept that as part of the American way of doing good around the world, of putting into real terms our Christian-Judeo heritage of which we are so proud.

Mr. President, Americans want to alleviate suffering. We never want to see people being killed or hurt or one nation pitted against another. Granted, we cannot take on all the world's problems, nor should we try. Any time we move outside the confines of our own

country, whatever the purpose is, we do take some risk.

There would be some risk in this situation, of course. I do not want to minimize this, but we take a little risk when we get up in the morning and get out of bed, I guess every time we take an airplane out of a hangar and fly it. Yet, we are willing to take that risk for the good that may come from it.

Have we taken any risks in the past? I imagine if we had a vote here in the Senate today as to whether we would want to keep the Peace Corps in operation, we would find that the Peace Corps would be rather popular. There would probably be no votes against ending the Peace Corps because it has done a lot of good around the world. But how many lives have been lost in the Peace Corps by people overseas killed in accidents or shot or catching some disease? They were put at risk because they went overseas. Do you know how many there are? We have lost 224 people that have died overseas in the Peace Corps. Yet we do not say, pull the Peace Corps out because we have lost people overseas. We would not do that.

Another issue that has repeatedly been raised is the fact that our leadership in NATO is very important. It is. As important as that is, I personally do not think we would go into Bosnia-Herzegovina just because our NATO allies say we should go in. "So, America, you lead our way into that area."

If they were going in some other area we thought was not right, I doubt we would want to rush in and be their leader just to show we are part of NATO. Too many American people, I think, do not have appreciation of NATO, though. Too many people in our country see NATO as a remnant of the cold war and not of the good things that NATO has done. It has been the most successful peacekeeping operation in the history of this world.

At the present time, it is adapting under their own impetus with the Organization for Security and Cooperation in Europe, cooperating with the European Union, with the Partnership for Peace, which is in its fledgling status right now, and the North Atlantic Cooperation Council, which came into being in 1991. NATO has taken part in all of these things and is a tremendous benefit for peace in the world.

We could even say that we have had economic benefits. Europe is an economic entity and is now one of three major economic centers in the world: Europe, Japan, and our own country.

The main point here is the tragedy and suffering in Bosnia. All parties are war weary. There is now a framework for peace with a detailed agreement. If a cease-fire can come into place, we can move in and help stop what has been a tinderbox over the years and that helped trigger World War I. We do not want to see that ever happen again.

Old enmities die hard. It is very complicated. There are ethnic, religious, patriotic feelings in that area where

they do not trust each other. They trust us to come in and try and help implement peace in that area.

This is one of the first times in history I think we have ever seen a superpower—and we are the world's superpower—that had no ulterior motive, that had no territorial designs, and would help to spread the benefits of democracy and freedom around the world. This is a place where, with perhaps little risk, we may enhance the long-term benefits toward freedom and peace that will literally save lives.

I do not think we can withdraw from the world. We cannot withdraw to our own shores and take an isolationist stance. We can work for peace in that part of the world. I am thankful that we have not withdrawn from the rest of the world. We can be involved for good.

To those who say we are off on another do-gooder mission around the world, I think we should take pride that we have a heritage of trying to do good, of trying to alleviate suffering, of trying to stop conflicts such as this one. We are a powerful nation that cares—truly cares about other people

and what happens around the world. We care when 250,000 people have been killed. We care on a personal basis. We have empathy for the people there who have lost children, husbands, fathers, mothers, wives. Two million refugees. So we care.

If we are to have leadership for the future, this is an opportunity for us to do what we have done historically, to care for other people. Obviously, we cannot take on everything in the world. But, here we can help to maintain the peace.

We stayed active around the world after World War I. We stayed active after World War II and helped form the United Nations. We stayed active in Europe in partnership in NATO. Because of that alignment of the United States along with other nations, we have a world, now, which looks much more peaceful into the future than it did just a few years ago.

I would say thank God we have a nation like the United States, a superpower, that truly does care about the suffering and about the tragedy of what is going on in a place like the

Balkans. Thank God we have a nation like the United States, that wants the benefits of peace and cooperation for everyone. And thank God, if the conditions are right, if the agreement holds, and if the fighting has stopped, we are willing to take the risk that will have to be taken if we are to do much good in that part of the world.

I look forward to President Clinton's speech this evening and his assessment of the situation. I believe that we want true, long-term peace in the world. I think we are a force for peace and freedom and taking the small amount of risk to enforce the peace will be worth it.

I yield the floor.

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ADJOURNMENT UNTIL 10:30 A.M.  
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10:30 a.m., Tuesday morning.

Thereupon, the Senate, at 4:53 p.m., adjourned until Tuesday, November 28, 1995, at 10:30 a.m.

# EXTENSIONS OF REMARKS

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, November 28, 1995, may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

### NOVEMBER 29

9:30 a.m.

Energy and Natural Resources  
Forests and Public Land Management Subcommittee

To hold joint oversight hearings with the House Resources Committee on the Administration's implementation of section 2001 of the Funding Rescissions Act of 1995.

SD-366

Governmental Affairs

Oversight of Government Management and the District of Columbia Subcommittee

To hold hearings on S. 1224, to amend subchapter IV of chapter 5 of title 5, United States Code, relating to alternative means of dispute resolution in the administrative process.

SD-342

Judiciary

Immigration Subcommittee

Business meeting, to mark up S. 1394, to reform the legal immigration of immigrants and nonimmigrants to the United States.

SR-385

Labor and Human Resources

To hold hearings on S. 1423, to amend the Occupational Safety and Health Act of 1970 to make modifications to certain provisions.

SD-430

Joint Library

To hold oversight hearings on the Library of Congress.

SR-301

10:00 a.m.

Judiciary

Antitrust, Business Rights, and Competition Subcommittee

To hold hearings on issues relating to franchise relocation in professional sports.

SD-226

Special Committee To Investigate  
Whitewater Development Corporation and Related Matters

To continue hearings to examine certain issues relative to the Whitewater Development Corporation.

SH-216

4:30 p.m.

Select on Intelligence

To hold a closed briefing on intelligence matters.

SH-219

### NOVEMBER 30

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Select on Intelligence

To hold closed hearings on intelligence matters.

SH-219

10:00 a.m.

Judiciary

Business meeting, to consider pending calendar business.

SD-226

Special Committee To Investigate  
Whitewater Development Corporation and Related Matters

To continue hearings to examine certain issues relative to the Whitewater Development Corporation.

SH-216

2:00 p.m.

Judiciary

To hold hearings on pending nominations.

SD-226

Judiciary

Immigration Subcommittee

Business meeting, to continue to mark up S. 1394, to reform the legal immigration of immigrants and nonimmigrants to the United States.

SR-385

### DECEMBER 1

10:00 a.m.

Special Committee To Investigate  
Whitewater Development Corporation and Related Matters

To continue hearings to examine certain issues relative to the Whitewater Development Corporation.

SH-216

### DECEMBER 5

10:00 a.m.

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold hearings on S. 984, to protect the fundamental right of a parent to direct the upbringing of a child.

SD-226

### DECEMBER 6

9:30 a.m.

Indian Affairs

To hold oversight hearings on the implementation of the Native American Graves Protection and Repatriation Act (P.L. 101- 601).

SR-485

### DECEMBER 14

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 1271, to amend the Nuclear Waste Policy Act of 1982.

SD-366

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Monday, November 27, 1995

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S17513–S17540*

**Measures Introduced:** Two bills were introduced, as follows: S. 1425 and 1426. **Page S17530**

**Measures Reported:**

Reported on Tuesday, November 21, 1995, during the adjournment of the Senate:

Report to accompany S. 1396, to amend title 49, United States Code, to provide for the regulation of surface transportation. S. Rept. No. 104–176)

**Page S17530**

**Messages From the House:**

**Page S17530**

**Measures Placed on Calendar:**

**Page S17530**

**Communications:**

**Page S17530**

**Petitions:**

**Page S17530**

**Statements on Introduced Bills:**

**Pages S17530–33**

**Additional Cosponsors:**

**Pages S17533–34**

**Notice of Hearings:**

**Page S17534**

**Additional Statements:**

**Pages S17534–40**

**Adjournment:** Senate convened at 1 p.m., and adjourned at 4:53 p.m., until 10:30 a.m., on Tuesday, November 28, 1995. (For Senate's program, see the remarks of the Acting Majority Leader in today's RECORD on page S17538.)

### Committee Meetings

*(Committees not listed did not meet)*

#### FOREIGN BANKS

*Committee on Banking, Housing, and Urban Affairs:* Committee held hearings on issues involving the Daiwa Bank Trust Company and the supervision of foreign banks operating in the United States, receiving testimony from Alan Greenspan, Chairman, Board of Governors of the Federal Reserve System; Ricki T. Helfer, Chairman, Federal Deposit Insurance Corporation; Neil D. Levin, New York State Banking Department, New York, on behalf of the International Bankers Advisory Council.

Hearings were recessed subject to call.

# House of Representatives

## Chamber Action

The House was not in session today. It will meet next at 12:30 p.m. on Tuesday, November 28.

## Committee Meetings

No committee meetings were held.

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### NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D1380)

H.R. 436, to require the head of any Federal agency to differentiate between fats, oils, and greases of animal, marine, or vegetable origin, and other oils and greases, in issuing certain regulations. Signed November 20, 1995. (P.L. 104-55)

H.J. Res. 122, making further continuing appropriations for the fiscal year 1996. Signed November 20, 1995. (P.L. 104-56)

H.R. 2394, to increase, effective as of December 1, 1995, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans. Signed November 22, 1995. (P.L. 104-57)

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### CONGRESSIONAL PROGRAM AHEAD

Week of November 28 through December 2, 1995

#### Senate Chamber

On *Tuesday*, Senate may begin consideration of S. 1396, ICC Sunset Act.

During the week, Senate may also consider conference reports (when available), and any cleared legislative business.

(Senate will recess on *Tuesday, November 28, 1995*, from 12:30 p.m. until 2:15 p.m. for respective party conferences.)

#### Senate Committees

(Committee meetings are open unless otherwise indicated)

*Committee on Armed Services*: November 28, to hold hearings on the use of United States military forces to enforce the Bosnian peace agreement and the role of NATO and other foreign nations in the implementation force, 10:15 a.m., SD-G50.

*Committee on Energy and Natural Resources*: November 29, Subcommittee on Forests and Public Land Management, to hold joint oversight hearings with the House Resources Committee on the Administration's implemen-

tation of section 2001 of the Funding Rescissions Act of 1995, 9:30 a.m., SD-366.

November 30, Full Committee, business meeting, to consider pending calendar business, 9:30 a.m., SD-366.

*Committee on Governmental Affairs*: November 29, Subcommittee on Oversight of Government Management and The District of Columbia, to hold hearings on S. 1224, to amend subchapter IV of chapter 5 of title 5, United States Code, relating to alternative means of dispute resolution in the administrative process, 9:30 a.m., SD-342.

*Committee on the Judiciary*: November 29, Subcommittee on Immigration, business meeting, to mark up S. 1394, to reform the legal immigration of immigrants and nonimmigrants to the United States, 9:30 a.m., SR-385.

November 29, Subcommittee on Antitrust, Business Rights, and Competition, to hold hearings on issues relating to franchise relocation in professional sports, 10 a.m., SD-226.

November 30, Full Committee, business meeting, to consider pending calendar business, 10 a.m., SD-226.

November 30, Full Committee, to hold hearings on pending nominations, 2 p.m., SD-226.

November 30, Subcommittee on Immigration, business meeting, to continue to mark up S. 1394, to reform the legal immigration of immigrants and nonimmigrants to the United States, 2 p.m., SR-385.

*Committee on Labor and Human Resources*: November 29, to hold hearings on S. 1423, to amend the Occupational Safety and Health Act of 1970 to make modifications to certain provisions, 9:30 a.m., SD-430.

*Select Committee on Intelligence*: November 28, 29 and 30, to hold closed hearings on intelligence matters, Tuesday at 2 p.m., Wednesday at 4:30 p.m. and Thursday at 9:30 a.m., SH-219.

*Special Committee To Investigate Whitewater Development Corporation and Related Matters*: November 28, 29 and 30 and December 1, to resume hearings to examine certain issues relative to the Whitewater Development Corporation, 10 a.m., SH-216.

### NOTICE

For a listing of Senate committee meetings scheduled ahead, see pages E2233 in today's RECORD.

#### House Chamber

*Tuesday*, Consideration of the following two bills on the Corrections Calendar:

1. H.R. 2525, Charitable Gift Annuity Antitrust Relief Act;

2. H.R. 2519, Philanthropy Protection Act; and  
Continue consideration of H.R. 2564, Lobbyist Disclosure Reform Act of 1994.

*Wednesday and the balance of the week*, Consideration of the conference report on H.R. 2099, VA-HUD Appropriations for fiscal year 1996 (rule waiving points of order);

Conference report on H.R. 1868, Foreign Operations Appropriations for fiscal year 1996 (subject to a rule being granted);

Conference report on H.R. 1977, Interior Appropriations for Fiscal Year 1996 (subject to a rule being granted);

Conference report on H.R. 2546, District of Columbia Appropriation for fiscal year 1996 (subject to a rule being granted);

Conference report on H.R. 2076, Commerce-State-Justice Appropriations for fiscal year 1996 (subject to a rule being granted); and

Conference report on H.R. 1058, Securities Litigation Reform Act (subject to a rule being granted).

NOTE.—Conference reports may be brought up at any time. Any further program will be announced later.

### House Committees

*Committee on Commerce*, November 30, Subcommittee on Telecommunications and Finance, hearing on H.R. 2131, Capital Markets Deregulation and Liberalization Act of 1995, 10 a.m., 2123 Rayburn.

*Committee on Government Reform and Oversight*, November 29, Subcommittee on Civil Service, to continue hearings on Civil Service Reform IV: Streamlining Appeals Procedures, 9 a.m., 2154 Rayburn.

*Committee on International Relations*, November 30, hearing on United States Policy Towards Bosnia, 10 a.m., 2172 Rayburn.

*Committee on Resources*, November 30, Subcommittee on National Parks, Forests and Lands, oversight hearing on Forest Timber Salvage and Forest Health, 10 a.m., 1324 Longworth.

*Committee on Science*, November 30, Subcommittee on Space and Aeronautics, hearing on Shuttle Single Prime Contract: A Review of NASA's Determination and Findings, 10 a.m., 2318 Rayburn.

*Committee on Standards of Official Conduct*, November 29, executive, to continue to take testimony regarding the ethics investigation of Speaker Gingrich, 10 a.m., and 2 p.m., HT-2M Capitol.

November 30, executive, to consider pending business, 1:30 p.m., HT-2M Capitol.

*Committee on Transportation and Infrastructure*, November 30, Subcommittee on Aviation, to continue hearings on FAA's Global Positioning (Satellite Navigation) System, 10 a.m., 2167 Rayburn.

*Committee on Ways and Means*, November 28, Subcommittee on Social Security, to mark up the Senior Citizens' Right to Work Act of 1995, 3 p.m., B-318 Rayburn.

*Permanent Select Committee on Intelligence*, November 29, hearing on Diversity, 9:30 a.m., 2212 Rayburn.

December 1, executive, on Intelligence Support to United States Peacekeeping Forces in Bosnia, 10 a.m., H-405 Capitol.

### Joint Meetings

*Joint Committee on the Library*: November 29, to hold oversight hearings on the Library of Congress, 9:30 a.m., SR-301.

*Joint Hearing*: November 29, Senate Committee on Energy and Natural Resources' Subcommittee on Forests and Public Land Management, to hold joint oversight hearings with the House Resources Committee on the Administration's implementation of section 2001 of the Funding Rescissions Act of 1995, 9:30 a.m., SD-366.

*Next Meeting of the SENATE*

10:30 a.m., Tuesday, November 28

## Senate Chamber

**Program for Tuesday:** After the recognition of two Senators for speeches and the transaction of any morning business (not to extend beyond 12:30 p.m.), Senate may consider S. 1396, ICC Sunset Act.

*(Senate will recess from 12:30 p.m. until 2:15 p.m. for respective party conferences.)*

*Next Meeting of the HOUSE OF REPRESENTATIVES*

12:30 p.m., Tuesday, November 28

## House Chamber

**Program for Tuesday:** Consideration of the following two bills on the Corrections Calendar:

1. H.R. 2525, Charitable Gift Annuity Antitrust Relief Act;

2. H.R. 2159, Philanthropy Protection Act; and  
Continue consideration of H.R. 2564, Lobbyist Disclosure Reform Act of 1995.



## Congressional Record

provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶The Congressional Record is available as an online database through *GPO Access*, a service of the U.S. Government Printing Office. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d Session (January 1994) forward. It is available on a Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. The annual subscription fee for a single workstation is \$375. Six month subscriptions are available for \$200 and one month of access can be purchased for \$35. Discounts are available for multiple-workstation subscriptions. To subscribe, Internet users should telnet swais.access.gpo.gov and login as newuser (all lower case); no password is required. Dial in users should use communications software and modem to call (202) 512-1661 and login as swais (all lower case); no password is required. Follow the instructions on the screen to register for a subscription for the Congressional Record Online via *GPO Access*. For assistance, contact the *GPO Access* User Support Team by sending Internet e-mail to help@eids05.eids.gpo.gov, or a fax to (202) 512-1262, or by calling (202) 512-1530 between 7 a.m. and 5 p.m. Eastern time, Monday through Friday, except Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, \$112.50 for six months, \$225 per year, or purchased for \$1.50 per issue, payable in advance; microfiche edition, \$118 per year, or purchased for \$1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington, D.C. 20402. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.