Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, October 1, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this hearing is to receive testimony on S. 940, a bill to provide a study of the establishment of Midway Atoll as a national memorial to the Battle of Midway; and H.R. 765, a bill to ensure the maintenance of a herd of wild horses in Cape Lookout National Seashore.

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

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 1, 1997, at 10 a.m. to hold a hearing.

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

ADDITIONAL STATEMENTS

REMARKS OF SENATOR JON KYL AT THE FIRST INTERNATIONAL CONSERVATIVE CONGRESS

• Mr. KYL. Mr. President, I ask that the text of the my remarks before the First International Conservative Congress be printed in the RECORD.

The text of the remarks follows:

REMARKS BY SENATOR JON KYL AT THE FIRST INTERNATIONAL CONSERVATIVE CONGRESS—SEPTEMBER 28, 1997

DEFINING A CONSERVATIVE APPROACH TO DEFENDING THE WEST

Thank you for inviting me to address the conference.

A conservative and internationalist approach to foreign policy is consistent. For example, during the Cold War Ronald Reagan worked not just to contain communism but to expand democracy. NATO expansion is a contemporary example where conservatives believe the U.S. should remain involved internationally to promote democracy, free markets, and to hedge against a revival of communism. A successful internationalist policy requires that you have firm clear national goals and the means and will to achieve them strategically.

The Clinton Administration pursues a foreign policy without clear goals or the will to act decisively and is squandering the national security means left to it by a dozen years of Republican presidency. It emphasizes hope over reality and reliance on arms control agreements like the Comprehensive Test Ban Treaty (CTBT), the Anti-Ballistic Missile (ABM) Treaty, and the Chemical Weapons Convention (CWC) over a stronger defense. And political benefit over national security, as in its decisions to cave in to the concerns of some in industry in irresponsibly relaxing export controls on key items like encryption technology and supercomputers.

Today's debate is similar to that which took place during the Cold War between those who favored detente and arms treaties and those who believed in a rational, tough policy of peace through strength. During the Cold War, the proponents of detente argued that the U.S. should overlook violations of promises and arms control agreements because of our tense relations with the Soviet Union and China. Today, the supporters of ''engagement'' say we should overlook violations of such treaties because of our improved relations with Russia and China. The result is the same—a muddled, confused foreign policy. But it hasn't stopped the Administration from proposing even more treaties, even as existing treaties are continually violated by all but the U.S.

PROLIFERATION

I want to focus on how conservatives in the West believe we should deal with the threat posed by the proliferation of weapons of mass destruction and ballistic missiles, which is the key national security challenge facing us today.

As with so many other areas, the Clinton Administration's efforts to address this issue have been long on rhetoric and short on action. In 1994, President Clinton issued Executive Order 12938 declaring that the proliferation of weapons of mass destruction and the means of delivering them constitutes ''an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States,'' and that he had, therefore, decided to ''declare a national emergency to deal with that threat.'' The President reaffirmed this Executive Order in 1995 and 1996. But since issuing this order, the Administration has primarily focused on concluding arms control agreements and sending diplomatic protest notes to combat this growing threat.

THE THREAT

Rogue nations that are hostile to the United States are the primary proliferation threat, though the Russian arsenal remains the largest potential threat. Iran is of particular concern. Tehran is aggressively pursuing the development of nuclear weapons. On January 19, 1995, the Washington Times reported that Western intelligence agencies believe Iran is using its civilian nuclear power program as a cover for acquiring the technology and expertise to build nuclear weapons. According to the Times, the CIA estimates Iran is about 5-7 years away from building nuclear weapons, but could shorten that timetable if it received foreign assistance.

Iran's chemical and biological weapons programs began in the early 1980's and are now capable of producing a variety of highly lethal agents. Iran currently has Scud-B and Scud-C missiles also working to develop the ability to domestically produce longer-range missiles. On September 10, 1997, the Washington Times disclosed that Russia is assisting Iran with the development of two ballistic missiles that could be fielded in as little as three years. One of the missiles will reportedly have sufficient range to allow Tehran to strike targets as far away as Germany. In addition, other rogue states like Iraq, Libya, Syria, and North Korea are also aggressively pursuing ballistic missile and nuclear, biological, and chemical weapons programs.

HOW SHOULD THE WEST RESPOND TO THE PROLIFERATION THREAT?

We need an integrated strategy combining three elements: (1) responsible export controls, (2) firm economic and diplomatic actions to create incentives and disincentives to prevent the spread of missiles and weapons of mass destruction, and, (3) ultimately, robust defenses to deter and respond to attacks.

The Clinton Administration has irresponsibly relaxed U.S. export controls on key technologies like encryption, machine tools, and supercomputers. For example, in 1994, the Administration approved the sale of machine tools to China that were intended to be used to produce McDonnell Douglas civilian airliners. Just sic months after the export licenses were approved, the company discovered the machine tools had been diverted to a facility where cruise missiles and fighter aircraft are produced for the Chinese military. In addition, China has purchased 47 supercomputers form the U.S. and one of Russia's premier nuclear weapons facilities has bought four supercomputers from a U.S. firm as well.

Multilateral control regimes like the Australia Group, restricting chemical trade, the Missile Technology Control Regime, and the Nuclear Supplier Group can limit the spread of sensitive technology. But as we learned through our experience with COCOM during the Cold War, even the best controls only slow the spread of the technology because determined nations find ways to circumvent the controls or eventually develop the technology themselves. We also must guard against a reliance on arms control agreements like the CWC and the CTBT that are not global or verifiable, and therefore not effective or useful.

We should make it unprofitable for countries to supply missiles and weapons of mass destruction technology to rogue regimes. For example, the annual foreign aid bill recently passed by the Senate conditions U.S. aid to Russia on a halt to nuclear and missile cooperation with Iran. Western nations can also impose economic sanctions on supplier countries and companies to provide disincentives for them to continue this dangerous trade. In addition, we should use convert action to raise the costs to countries that are suppliers of this sensitive technology.

Ultimately, we need to maintain strong defense capabilities to deter and respond to attacks involving weapons of mass destruction and ballistic missiles. By maintaining a robust, credible nuclear weapons capability, the U.S. can deter rogue nations from using weapons of mass destruction against U.S. forces or our allies. The U.S. should also improve our chemical and biological defenses. As we learned during the recent Senate debate over the Chemical Weapons Convention, the U.S. military's chemical and biological defense programs are underfunded and are inadequate to meet the current and projected threat.

BALLISTIC MISSILE DEFENSE

The West is nearly defenseless against the expanding missile threat we face. Space-based systems offer a promising long-term solution and should be pursued. Sea-based missile defenses based on the Navy's AEGIS class ships, however, have the potential to provide near-term, flexible, and affordable protection for U.S. forces and our allies abroad. Sea-based systems would allow for ascent phase intercept of missiles armed with chemical or biological warheads.

Sea-based systems are more affordable because the U.S. has already invested $50 billion in the AEGIS fleet. Development of a sea-based theater missile defense could be completed in five years and deployment of 650 interceptors on 22 ships could cost as little as $5 billion. This system could then evolve into a national missile defense system, whose development, production, and deployment could be completed in 6–10 years for $12–17 billion, according to preliminary CBO estimates.

CONCLUSION

There are two points of view on how to address this threat. We can either talk tough, and even in the face of incontrovertible evidence, overlook arms control violations for

fear of damaging our relations with other nations. Or we can follow the path of peace through strength.●

THE AMERICAN FISHERIES ACT

● Mr. BREAUX. Mr. President, the American Fisheries Act, S. 1221, was introduced last week by Senators STEVENS, MURKOWSKI, HOLLINGS and myself. This bill represents another major milestone in our long efforts to reserve U.S. fishery resources for bona fide U.S. citizens as well as take steps to substantially improve the conservation and management of our Nation's fishery resources through a reduction in the overcapitalization of our fishing fleets. To put the bill in perspective, I wish to remind my colleagues of the steps taken in the past to establish our fishery conservation zone now called the Exclusive Economic Zone or EEZ, to support an American preference for harvesting and processing fishery resources within that zone, to eliminate foreign fishing in our EEZ whenever sufficient U.S. capacity existed, and finally to reduce the conservation and management problems associated with excess capacity. The historical basis for such a bill is well established in U.S. fishery policy.

THE OPEN SEAS

For hundreds of years, a basic component of the freedom of the seas had been the freedom of fishing. Nations claimed narrow territorial seas where they exercised sovereignty on and above the surface down to and including the seabed, subject only to the right of innocent passage. Originally, this territorial sea was limited to 3 miles out from the coastline—that distance being the range which a cannonball could be fired from the shore to protect the coastal State's interest. Outside of the territorial sea, all nations enjoyed free access to fishery resources on the high seas, subject only to limitations imposed by international agreements and a general yet unenforceable understanding to conserve the resource.

ESTABLISHING THE EXCLUSIVE ECONOMIC ZONE

This concept was radically changed in 1945 with the issuance of the Truman Proclamation which declared that the continental shelf contiguous to U.S. coasts was ''appertaining to the United States, subject to its jurisdiction and control.'' Although the Truman Proclamation did not carry the force of international law, other nations followed suit in extending their jurisdiction beyond 3 nautical miles, some nations went out to 12 miles while others went all the way out to 200 miles. Congress contributed to this trend when it passed the 12 Mile Fishery Jurisdiction Act. In passing the Fishery Conservation and Management Act in 1976, Congress established a 200-mile fishery conservation zone where the United States would exercise sovereign rights over the conservation, harvesting and management of the resource. In 1983, President Reagan declared through Proclamation 5030 that the U.S. would exercise broad sovereign rights from the seaward limit of the territorial sea to a distance of 200 miles from the shore, thus establishing the Exclusive Economic Zone. The EEZ regime was reflected in the U.N. Convention on the Law of the Sea and although the United States has not ratified this treaty, we maintain that it is generally reflective of customary international law applying to the EEZ among other things.

AMERICANIZING THE FISHERIES

For more than 200 years, the Federal Government has been looking after our fishermen, starting as early as the Treaty of Paris of 1783 which secured fishing rights off the coast of New England. However, our management of fishery stocks was limited to our narrow territorial sea. This principle worked well until technology became very sophisticated in the early 1950's. Harvesting efficiency and capacity greatly increased and the presence of large foreign fishing fleets off our coast threatened the survivability of numerous stocks. In the 1950's, as large foreign fishing fleets loomed off our coast, Congress acted to protect the rights of our fishermen with the Fisherman's Protective Act of 1954. The Fish and Wildlife Act of 1956 also affirmed the rights of U.S. fishermen to waters off our own coast. In 1964, Congress passed the Prohibition of Fishing in the U.S. Territorial Waters by Foreign-Fishing Vessels and then in 1972, Congress passed the Prohibition of Foreign Fishing Vessels Act, again attempting to reserve the right to harvest U.S. fishing resources for U.S. fishermen. These laws were all precursors to the Fishery Conservation and Management Act of 1976 to which the names of Senators Magnuson and STEVENS were later added.

The Magnuson-STEVENS Fishery Conservation and Management Act. The Magnuson-STEVENS Act established a 200-mile Fishery Conservation Zone and further established U.S. management jurisdiction over all fishery resources within that zone. As a House cosponsor of the bill, I can recall the great debates of the day as the Magnuson-STEVENS Act was being discussed. Members feared retaliation by other nations because of our unilateral extension of authority out to 200 miles, but the fear of the foreign fishing fleets just off our coast was greater. Of special significance was the concept that U.S. fishermen should have the first right to harvest the fishery resources found within our 200-mile limit. Specifically, section 201 of the Magnuson-STEVENS Act states ''After February 28, 1977, no foreign fishing is authorized within the exclusive economic zone * * *'' unless certain conditions are met as set forth within the act. Section 2(b)(1) of the Magnuson-STEVENS Act stated as a purpose: ''to exercise sovereign rights for the purposes of exploring, exploiting, conserving, and managing all fish within the exclusive economic zone.'' This Americanization provision allowed for the gradual reduction of foreign fishing within U.S. waters as U.S. capacity increased.

THE AMERICAN FISHERIES PROMOTION ACT

However, the great promise of the Magnuson-STEVENS Fishery Conservation and Management Act to Americanize the fisheries was slow to come to fruition. As many Members may recall, numerous bills were introduced and debated to help the U.S. fleet establish itself in the new fishery conservation zone. In 1979, 60 percent of the edible and industrial fish we used was supplied by foreign companies despite the fact that 20 percent of the world's fishery resource was within our own zone. Foreign fleets still dominated our fishery conservation zone. As Chairman of the Subcommittee on Fisheries and Wildlife Conservation and the Environment within the House Committee on Merchant Marine and Fisheries, I authored the American Fisheries Promotion Act. Popularly coined as the fish and chips bill, the legislation was designed to promote development of U.S. fisheries by providing a statutory mechanism to phaseout foreign fishing within our fishery conservation zone. Unfortunately, the phase out of foreign flag vessels did not fully achieve the goal of reserving the full economic benefits of our resources to U.S. citizens.

REFLAGGING ISSUES

Foreign companies were able to circumvent the intent of these laws by reflagging. Foreign-controlled companies could reflag their vessels under U.S. documentation laws and gain the same priority access to U.S. fishery resources as bona fide U.S. citizens were intended to enjoy. To counter such actions, Congress passed the Anti-Reflagging Act of 1987 which was designed to stop this practice and prohibit foreign ownership/control of U.S. fishing vessels. The exact method of ensuring this occurred was by requiring that a majority controlling interest in any corporation who owns fishing vessels operating in the U.S. fishery were bona fide U.S. citizens. To protect the financial investments of vessels already within the fishery, grandfather provisions were included in the bill. Unfortunately, interpretation of the grandfather provision has effectively nullified the original intent of that landmark legislation. Although the vessels now carry the American flag, effective control of the vessels is under foreign hands. This bill will restore the rights of bona fide United States citizens to have priority access to U.S. fishery resources which are well established under U.S. and international law. In essence, we seek to return to a de facto standard as set forth in section 201(d) which establishes that the total level of foreign fishing shall be the portion of the optimal yield which will not be harvested by U.S. vessels.

OVERCAPITALIZATION OF THE FLEET

A second issue that we deal with in this bill is the issue of overcapitalization of the fishing fleet. The increasing