

[Mr. WELLSTONE], the Senator from California [Mrs. BOXER], the Senator from California [Mrs. FEINSTEIN], the Senator from Ohio [Mr. GLENN], the Senator from Hawaii [Mr. INOUE], the Senator from Maryland [Mr. SARBANES], and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of S. 641, a bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

SENATE CONCURRENT RESOLUTION 3

At the request of Mr. SIMON, the names of the Senator from Kansas [Mr. DOLE] and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of Senate Concurrent Resolution 3, a concurrent resolution relative to Taiwan and the United Nations.

AMENDMENT NO. 425

At the request of Mr. MCCAIN his name was added as a cosponsor of amendment No. 425 proposed to H.R. 1158, a bill making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

SENATE RESOLUTION 97—RELATIVE TO THE SOUTH CHINA SEA

Mr. THOMAS (for himself and Mr. ROBB) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 97

Whereas the South China Sea is a strategically important waterway through which transits approximately 25 percent of the World's ocean freight, including almost 70 percent of Japan's oil supply;

Whereas the South China Sea serves as a crucial sea lane for naval vessels of the United States and other countries, especially in times of emergency;

Whereas the People's Republic of China, the Republic of the Philippines, the Socialist Republic of Vietnam, the Republic of China on Taiwan, the State of Brunei Darussalam, and Malaysia have overlapping and mutually exclusive claims to portions of the South China Sea, especially in the Spratly Island group;

Whereas these competing claims have led to armed conflicts between several of the claimants;

Whereas these conflicts threaten the peace and stability of all of East Asia; and

Whereas the 1992 Manila Declaration of the Association of South East Asian Nations, also recognized by the Socialist Republic of Vietnam and the People's Republic of China, calls on the claimants to exercise restraint and seek a peaceful negotiated solution to the conflicts: Now, therefore, be it

*Resolved*, That the Senate—

(1) urges the executive branch to reiterate to the claimants in the South China Sea that the United States does not take a position on any individual claim;

(2) calls upon all of the claimants to refrain from using military force to assert or expand territorial claims in the South China Sea;

(3) urges the executive branch to declare the active support of the United States for the 1992 Manila Declaration of the Association of South East Asian Nations, and calls upon all the claimants to observe faithfully its provisions; and

(4) calls upon the claimants to scrupulously observe the January, 1995 status quo ante pending any negotiations or resolution of the conflicts between such claimants over such claims.

Mr. THOMAS. Mr. President, as the chairman of the Senate Subcommittee on East Asian and Pacific Affairs, I would like to take this opportunity to call my colleagues' attention to an issue that, while somewhat obscure, has the potential to escalate into a dangerous regional conflict with serious repercussions for the United States: competing jurisdictional claims to the Spratly Islands.

The Spratlys comprise 21 islands and atolls, 50 submerged land spits, and 28 partly submerged rock groups and reefs. Totalling less than 5 square kilometers in area, these islets are spread out over 340,000 square miles in the southern third of the South China Sea, one of the world's largest marginal seas. The largest island, Itu Aba, is only four-tenths of a square mile in area; Spratly Island, after which the group is named, measures only 0.15 square miles. Portions of the area are claimed by most of the sea's littoral states; the People's Republic of China, Malaysia, the Philippines, Taiwan, Vietnam, and Brunei. All, with the exception of Brunei, maintain a military presence on the islands.

Their interest is based on more than mere fishing rights or territorial aggrandizement. It is thought—although not yet known conclusively—that the islands overlie vast reserves of oil and natural gas. The South China Sea in general is one of the most productive offshore petroleum areas in the world; since 1950, 29 oil fields and 4 gas fields have been developed there. This makes possession of the Spratlys quite attractive to the area's developing economies.

What many view as China's increasingly hegemonic interest in the area seems to be the principal cause of tension among the claimants. As we all well know, China is clearly the emerging power in Asia. As the PRC has initiated limited free-market reforms and its economy expands, it has been able to devote more resources away from purely domestic concerns and to assert itself—flex its muscle—more often in regional affairs. The PRC's growing visibility is unnerving to many of its neighbors. This is due in large measure to the fact that because the PRC's greater presence is increasingly exhibited in a buildup of its military forces, it has increased the opportunity for armed conflicts with those neighbors.

The PRC—and consequently the Republic of China on Taiwan—and Vietnam both assert the oldest claims to the area. The PRC contends that it has a long history of presence in the area, including: a purported naval discovery in the Western Han Dynasty around the year 111 B.C., a 1292 Yuan Dynasty visitation by the Java-bound fleet of Kublai Khan, and a Ming Dynasty survey of the islands by Cheng He, who is

said to have visited the islands seven times between the years 1405 and 1433. While there is some evidence of intermittent visitation of some of the Spratlys and surrounding waters by Chinese fishermen, records are sparse, incomplete, conflicting, and in the opinion of many scholars do not necessarily demonstrate a pattern of routine occupation, administration, or assertion of sovereign control sufficient to establish on airtight claim. For example, an official report by the Chinese Government issued in 1928 set forth that country's southernmost delineation of its territory as the Parcel Islands and makes no mention of the Spratlys.

Vietnam's claim is based on historical arguments premised on events from before, during, and after occupation by its former colonial overlord, France. Recent Vietnamese pronouncements claim that its involvement with the Spratlys can be traced back to 1650–53, although I have not yet seen a credible substantiation of that assertion. A further contact is claimed during the reign of Emperor Gialong in 1816, and an inaccurate Vietnamese map dated 1838 identifies the Spratlys under the name Van Ly Truong Sa as a part of Vietnamese territory. Interest in the islands appears to have lapsed over the early- and mid-French occupation period, although the French Government sent a naval expedition to the islands in 1933 and laid claim to seven groups of islets.

These conflicting Chinese and Vietnamese claims have in the not-distant past resulted in verbal, and sometimes military, clashes. In 1974, for example, the PRC occupied the South Vietnamese-claimed Parcel Islands—the Xisha Qundao—about 350 miles north of the Spratlys. The Vietnamese forces lost and withdrew from the islands. A few days later, though, 120 South Vietnamese soldiers landed on one of the Spratlys; the PRC responded with a protest and a warning against any such future action. In March 1988, the PLA-N sank three Vietnamese naval transports in the Spratlys, killing 72 Vietnamese soldiers.

Beginning in the late 1970's, a growing economic dimension began to appear in the Sino-Vietnamese dynamic. When the PRC began open-door economic reforms in 1978, the development of an offshore petroleum industry was at the forefront. The PRC opened its continental shelf from the Bohai to Beibu Gulfs in 1979, and announced a series of Sino-foreign seismic survey agreements. Vietnam, in response, protested the surveys as brazen violations "of the territorial integrity of Vietnam and its sovereignty over its natural resources."

This verbal sparring over the competing claims continued until the early 1990's, when the two countries began to swipe at each other using oil concessions as their weapon. On May 8, 1992, the PRC's China National Offshore Oil Co. granted an oil concession to

Crestone Energy Co., a small American firm, for a 25,155 km<sup>2</sup> area near the Vanguard Bank (the Wanan Tan) which crossed over into Vietnamese-claimed areas. Consequently, Vietnam granted a concession to Mobil Corp. which encroached on Chinese claims, and in September 1992, Petrovietnam signed a contract with Nopec, a Norwegian company, to do seismic surveys. These competing claims threatened to precipitate another armed conflict last year when Vietnam began drilling in a concession that China had previously granted to a United States company. Chinese ships blocked the drilling rig, but the matter was defused short of a martial clash and has become an ongoing topic of negotiation between the two.

The PRC did not help calm matters when, in February 1992, the National People's Congress passed legislation—the Law of the People's Republic of China on the Territorial Sea and the Contiguous Zone—laying sole claim to the entire South China Sea and mentioning the Spratlys by name in article 2. The move to turn the South China Sea into a Chinese lake is especially worrisome to many countries—even those outside the region. The reason: the islands sit astride shipping lanes through which passes approximately 25 percent of the world's trade goods, including almost 70 percent of Japan's oil supplies.

The Sino-Vietnamese imbroglios are not the only point of bilateral friction in the Spratlys; the most recent flare-ups involved the Philippines. The Filipino claim is based on geographic contiguity, historical rights, and an assertion that the other countries involved in the area have previously abandoned their rights to the islands. In 1947, a Filipino businessman named Tomas Cloma discovered a group of unoccupied islands in the Spratly chain which he named Kalayaan. The Philippines' Government remained somewhat non-committal about the claim; in 1955, the government set baselines around the Philippine archipelago and made no mention of Kalayaan. However, when in 1971 an ROK artillery battery on Itu Aba fired on a Filipino fishing boat, in its official protest the Philippines stated that it had legal title to the island group as a result of Cloma's occupation and because the islands were within the archipelagic territory of the Philippines. In 1974, Cloma transferred Kalayaan to his Government, and in 1978 President Marcos officially declared the islands to be part of the Philippines. Also in that year, the Philippines' claims became more choate when it discovered oil and gas resources beneath the seabed.

Since then, Sino-Filipino competition for the islands has increased. Recently, China asserted claims to Jackson Atoll and Half Moon Reef—which are claimed by the Philippines—contending that “they are part of China's Nanasha [Spratly] Islands and have always been Chinese territory.” In-

telligence reports indicate that the PRC has placed perimeter markers on both. Similarly, China has laid claim to the appropriately named Mischief (Panganiban) Reef. It was recently revealed that the PRC has built a series of structures on the reef. The reef submerges at high tide, and the four concrete buildings are built on pilings. I have seen pictures of them supplied by the Philippine Government.

The problem with this Chinese move is that the reef lies well within the Philippines' 200-mile exclusive economic zone; it is only 135 nautical miles from Palawan, one of the Philippines' principal islands. By contrast, it is more than 620 miles from the Chinese coast. In addition, the PRC has dispatched several naval vessels to the immediate area of the reef—two Yukon-class supply vessels and a Dazhi-class submarine-support ship. The presence of the latter begs the question as to whether there are not also Chinese submarines operating nearby. The PRC claims that the outpost in only meant to serve as a shelter for Chinese fishermen. However, the addition of several parabolic antennae to the structures, the presence of the navy ships, and the PRC's demonstrated keen interest in the islands, seem to militate against the veracity of such a statement. Moreover, in a move tinged with jurisdictional overtones, the Chinese arrested several Filipino fishermen in the vicinity of the reef and held them for several days.

The Government of the Philippines has indicated that as a result of the PRC's actions, it has felt pressured into increasing its military presence in the islands. Just this last weekend, in apparent retaliation for the Chinese arrests, the Philippine navy seized four Chinese fishing vessels in the region of Alicia Annie which is in the Filipino Claim area.

Similarly, the Vietnamese are reported by Japan's Kyodo News Agency to have increased their military presence in the area by 50 percent as a counter to the Chinese buildup. Clearly, the growing militarization of the region can only increase the probability that another skirmish will break out.

The region's countries have not sat idly by while this problem has escalated. In July 1992, the members of ASEAN, the Association of Southeast Asian Nation's issued what has been called the Manila Declaration on the south China Sea. The document—also acknowledged by Vietnam and the PRC—called on the parties to the dispute to exercise restraint and settle the issue without resort to military force. ASEAN's nonclaimants—Singapore, Indonesia, and Thailand—were urged to appoint an “eminent persons group” to build support for a complete freeze on economic and military activity in disputed areas. The declaration also called on the United States to actively back the initiative, and to support Indonesia's efforts to transform

its informal South China Sea workshops into an official negotiating forum under the auspices of either the ASEAN regional forum or the U.N. Security Council. Talks would be based on accepting the Chinese position of deferring claims to sovereignty and jointly developing any available resources.

The response of the United States to this entire issue has been, in my view, less than adequate. The strongest statements that I have seen from the administration so far are a lukewarm statement on February 14 of this year from a State Department spokeswoman, and a series of statements by Adm. Richard Macke, head of the U.S. Pacific Command. Most recently the admiral stated, “It is well known that we do not support any territorial claims with regard to [the] Spratlys. We certainly encourage dialogue between the nations involved to solve the differences that exist over the Spratlys. Again, we support no individual claim \* \* \*.”

I generally agree with Admiral Macke. As long as the claimants do nothing to interfere with the rights of the world community to free passage through the South China Sea, it is my position that the United States should not presently take sides among the claimants. Rather, we should support the Manila Declaration and a rational, negotiated settlement to the problem. In addition, while we should make clear to the claimants that we are willing to make ourselves available to them to facilitate the provisions of the declaration, we should avoid unnecessary intrusion into what is a regional affair best settled by the parties involved. In addition, pending any talks or resolution of the conflict, I believe we need to make clear to the parties that any move seeking to disturb the present status quo is unacceptable. It makes no sense to try to get the parties to sit down and negotiate an end to the problem if, at the same time, they continue their jockeying for military and territorial advantage.

Although I find myself generally in agreement with the U.S. position, I am not sure that the administration has been as forceful and unequivocal as it should be in getting our viewpoint across to the claimants. While I understand from certain sources that our position is being made clear to each of the claimant states through our respective embassies, I would like to see a more public vociferous pronouncement of our stand. Mr. President, I have seen some indications from the State Department that it is presently considering following this course. I applaud that move.

In the interim, however, I rise today—on behalf of myself and the distinguished ranking minority member of the subcommittee, Senator ROBB—to submit Senate Resolution 97, expressing the sense of the Senate with respect to peace and stability in the

South China Sea. This resolution reaffirms the Senate's support of the view that the United States takes no sides in the dispute. Moreover, it calls for a cessation of hostilities in the region, as well as a strict adherence to the provisions of the Manila declaration. Finally, it calls on the claimants to observe the January 1995 status quo ante pending any negotiations or resolution of the dispute. Mr. President, I hope that this resolution will prod the administration into action, and will make the views of the Senate clear to the claimant nations. I look forward to its swift adoption.

#### AMENDMENTS SUBMITTED

#### EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT OF 1995

#### BINGAMAN (AND OTHERS) AMENDMENT NO. 426

Mr. BINGAMAN (for himself, Mr. DASCHLE, and Mr. SIMON) proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes; as follows:

On page 14, line 19, strike "\$100,000,000" and insert "\$113,000,000".

On page 31, line 9, strike "\$26,988,000" and insert "\$13,988,000".

#### D'AMATO (AND OTHERS) AMENDMENTS NO. 427

Mr. D'AMATO (for himself, Mr. DOMENICI, Mr. STEVENS, Mr. HELMS, Mr. BROWN, Mr. SHELBY, Mr. FAIRCLOTH, Mr. MURKOWSKI, Mr. GRAMS, Mr. PRESSLER, Mr. INHOFE, Mr. CRAIG, Mr. BURNS, and Mr. NICKLES) proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

At the appropriate place, insert the following new section:

#### SEC. . CONGRESSIONAL APPROVAL OF CERTAIN FOREIGN ASSISTANCE.

(a) IN GENERAL.—Section 5302(b) of title 31, United States Code, is amended by adding at the end the following: "Except as authorized by an Act of Congress, the Secretary may not take any action under this subsection with respect to a single foreign government (including agencies or other entities of that government) or with respect to the currency of a single foreign country that would result in expenditures and obligations, including contingent obligations, aggregating more than \$5,000,000,000 with respect to that foreign country during any 12-month period, beginning on the date on which the first such action is or had been taken."

(b) EFFECTIVE DATE.—Notwithstanding any other provision of this Act, the amendment made by subsection (a) shall apply to any action taken under section 5302(b) of title 31, United States Code, on or after January 1, 1995.

#### BURNS AMENDMENT NO. 428

Mr. BURNS proposed an amendment to amendment No. 420 proposed by Mr.

HATFIELD to the bill H.R. 1158, supra; as follows:

On page 69, strike lines 7 through 10 and insert the following:

"(A) expeditiously prepare, offer, and award salvage timber sale contracts on Federal lands, except in—

"(i) any area on Federal lands included in the National Wilderness Preservation System;

"(ii) any roadless area on Federal lands designated by Congress for wilderness study in Colorado or Montana;

"(iii) any roadless area on Federal lands recommended by the Forest Service or Bureau of Land Management for wilderness designation in its most recent land management plan in effect as of the date of enactment of this Act; or

"(iv) any area on Federal lands on which timber harvesting for any purpose is prohibited by statute; and"

#### MURRAY (AND LEAHY) AMENDMENT NO. 429

Mrs. MURRAY (for herself and Mr. LEAHY) proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

On page 68, strike line 9 and all that follows through page 79, line 5, and insert the following:

(a) DEFINITION.—In this section:

(1) CONSULTING AGENCY.—The term "consulting agency" means the agency with which a managing agency is required to consult with respect to a proposed salvage timber sale if consultation is required under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(2) MANAGING AGENCY.—The term "managing agency" means a Federal agency that offers a salvage timber sale.

(3) SALVAGE TIMBER SALE.—The term "salvage timber sale" means a timber sale—

(A) in which each unit is composed of forest stands in which more than 50 percent of the trees have suffered severe insect infestation or have been significantly burned by forest fire; and

(B) for which agency biologists and other agency forest scientists conclude that forest health may be improved by salvage operations.

(b) SALVAGE TIMBER SALES.—

(1) DIRECTION TO COMPLETE SALVAGE TIMBER SALES.—The Secretary of Agriculture, acting through the Chief of the Forest Service, and the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall—

(A) expeditiously prepare, offer, and award salvage timber sale contracts on Forest Service lands and Bureau of Land Management lands that are located outside—

(i) any unit of the National Wilderness Preservation System; or

(ii) any roadless area that—

(I) is under consideration for inclusion in the National Wilderness Preservation System; or

(II) is administratively designated as a roadless area in the managing agency's most recent land management plan in effect as of the date of enactment of this Act (not including land designated as a Federal wilderness area); or

(iii) any area in which such a sale would be inconsistent with agency standards and guidelines applicable to areas administratively withdrawn for late successional and riparian reserves; or

(iv) any area withdrawn by Act of Congress for any conservation purpose; and

(B) perform the appropriate revegetation and tree planting operations in the area in which the salvage occurred.

(2) SALE DOCUMENTATION.—

(A) PREPARATION OF DOCUMENTS.—In preparing a salvage timber sale under paragraph (1), Federal agencies that have a role in the planning, analysis, or evaluation of the sale shall fulfill their respective duties expeditiously and, to the extent practicable, simultaneously.

(B) PROCEDURES TO EXPEDITE SALVAGE TIMBER SALES.—

(i) IN GENERAL.—When it appears to a managing agency that consultation may be required under section 7(a)(2) of the Endangered Species Act (16 U.S.C. 1536(a)(2))—

(I) the managing agency shall solicit comments from the consulting agency within 7 days of the date of the decision of the managing agency to proceed with the required environmental documents necessary to offer to sell the salvage timber sale; and

(II) within 30 days after receipt of the solicitation, the consulting agency shall respond to the managing agency's solicitation concerning whether consultation will be required and notify the managing agency of the determination.

(ii) CONSULTATION DOCUMENT.—In no event shall a consulting agency issue a final written consultation document with respect to a salvage sale later than 30 days after the managing agency issues the final environmental document required under the National Environmental Policy Act of 1973 (16 U.S.C. 1531 et seq.).

(iii) DELAY.—A consulting agency may not delay a salvage timber sale solely because the consulting agency believes it has inadequate information, unless—

(aa) the consulting agency has been actively involved in preparation of the required environmental documents and has requested in writing reasonably available additional information from the managing agency that the consulting agency considers necessary under part 402 of title 50, Code of Federal Regulations, to complete a biological assessment; and

(bb) the managing agency has not complied with the request.

(3) STREAMLINING OF ADMINISTRATIVE APPEALS.—Administrative review of a decision of a managing agency under this subsection shall be conducted in accordance with section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (106 Stat. 1419), except that—

(A) an appeal shall be filed within 30 days after the date of issuance of a decision by the managing agency; and

(B) the managing agency shall issue a final decision within 30 days and may not extend the closing date for a final decision by any length of time.

(4) STREAMLINING OF JUDICIAL REVIEW.—

(A) TIME FOR CHALLENGE.—Any challenge to a timber sale under subsection (a) or (b) shall be brought as a civil action in United States district court within 30 days after the later of—

(i) the decision to proceed with a salvage timber sale is announced; or

(ii) the date on which any administrative appeal of a salvage timber sale is decided.

(B) EXPEDITION.—The court shall, to the extent practicable, expedite proceedings in a civil action under subparagraph (A), and for the purpose of doing so may shorten the times allowed for the filing of papers and taking of other actions that would otherwise apply.