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Senate

(Legislative day of Tuesday, September 5, 1995)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Gracious Lord God, Sovereign of our Nation, personal Lord of our lives, we claim Your promise given through Isaiah, ''Your ears shall hear a word behind you saying, 'This is the way, walk in it'.''—Isaiah 30:21. We dedicate this day to walk humbly with You. We are challenged by the realization that the Hebrew meaning of ''walk humbly'' is ''to walk attentively.'' And so, we commit our minds and hearts to listen attentively to You. Speak to us so that what we speak may be an echo of Your voice which has sounded in the depth of our receptive souls. In the din of the cacophony of voices demanding our attention, help us to seek to know and do Your will for what is best for our beloved Nation.

Grant us the greatness of minds tuned to the frequency of Your spirit's guidance. Free us of any tenaciously held positions that may not have been refined by careful listening to You. May our united position together be that of women and men committed to Your righteousness and justice.

We ask for Your blessing for our President, the House of Representatives, the Justices of the Supreme Court, and the judges of the courts of our land who seek to carry out Your will in their decisions, and all who assume the awesome responsibilities of government. We listen to hear Your voice saying, ''This is the way, walk in it—together.'' In the name of our Lord. Amen.

MORNING BUSINESS

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

Mr. FORD addressed the Chair.

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

Mr. FORD. I believe I have a standing order this morning that I have up to 20 minutes. Is that correct?

The PRESIDENT pro tempore. Correct.

Mr. FORD. I thank the Chair.

APPRECIATION OF FLOOR STAFF

Mr. FORD. First, Mr. President, let me thank the floor staff for the effort they put forward all the time and the effort they made last evening to give this Senator a few moments of the Senate's time today, and I want them to know that I do appreciate it.

(Mrs. HUTCHISON assumed the chair.)

(The remarks of Mr. FORD pertaining to the introduction of S. 1262 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

UNANIMOUS-CONSENT AGREEMENT—H.R. 1976

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent that the orders for the three back-to-back votes and the debate with respect to H.R. 1976 be postponed to occur at 12 noon today.

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

UNANIMOUS-CONSENT AGREEMENT—H.R. 1868

Mr. FORD. Madam President, I further ask unanimous consent that at 9:45 a.m. the Senate begin consideration of H.R. 1868, the foreign operations appropriations bill, for opening statements until 11 a.m.

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

Mr. FORD. Madam President, therefore, the vote scheduled for 9:45 a.m. has now been postponed to occur at 12 noon and the Senate would instead begin consideration of the foreign operations appropriations bill at 9:45.

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

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

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

CONGRESSMAN JAMIE WHITTEN

Mr. COCHRAN. Madam President, last week, I was very honored to be able to attend the funeral in my State of former Congressman Jamie Whitten. Congressman Whitten was my good friend and colleague in the House. I served in the House 6 years before coming to the Senate. During that time, I got to know him and be with him frequently. Even though I was not on the Appropriations Committee at that time when I was elected to the Senate, I soon became a member of the Appropriations Committee, and as irony caused it, I was immediately the chairman of the Agriculture Appropriations Subcommittee.

The day I went on the Agriculture Subcommittee, the Republicans had become the majority in the Senate and that was my first assignment. Interestingly enough, on the House side, Congressman Whitten had been the chairman of the Agriculture Appropriations

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

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Subcommittee since about 1949. He had been in the House only 8 years when he became chairman of the House Appropriations Subcommittee for Agriculture.

So that first year, I recall having the opportunity of going to conference with Congressman Whitten chairing the subcommittee on the House side and I chairing it on the Senate side, both being from the same State. I was very new to the job, and I remember he said to me that day as we began our negotiation on the House-passed and Senate-passed appropriations bills funding the Department of Agriculture and related agencies, ''THAD, you had better be careful what you ask for now; you might get it.''

I have never forgotten that. It was an interesting lesson and a good thing to tell me because in that position you have to defend what you have recommended; you have to understand that there are going to be those who will look critically at the contents of the bill. And we worked very cordially together during those 6 years when I chaired that subcommittee.

As I was handling the bill in this Chamber for the last couple of days we have been considering the Agriculture appropriations bill, I thought several times about my good friend and former colleague in the House and the lessons that I learned, which have certainly been good lessons to learn.

He was a man who was very courteous, very knowledgeable about the subject. In his dealings with other Members of the House and Senate, he was always a gentleman. I respected that and appreciated that in Jamie Whitten.

When he retired from the House, we truly saw come to an end a legendary career in many ways, not because of length of service, which was longer than anyone had ever served in the House of Representatives, but because of the kind of person he was and the way he did his job. He took it seriously. He was conscientious, he did it well, and he did it well for a long period of time.

I was reading editorials just over the last few weeks in our State, and there have been many written talking about Congressman Whitten. There were two that I particularly appreciated, and I will put them in the RECORD. One is from the Northeast Mississippi Daily Journal in Tupelo, and the other was written by Bill Minor, who has a syndicated political column in Mississippi, and this was printed in the Clarion-Ledger in Jackson, MS.

Madam President, I ask unanimous consent that both of these editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Northeast Mississippi Daily Journal, Tupelo, MS, Sept. 12, 1995]

FORMER CONGRESSMAN JAMIE WHITTEN

Jamie Whitten started his public service career when some Mississippians still had eye-witness memories of the Civil War and only dreamed of one day having electricity in their houses. He concluded his public service after a 53-year tenure in the U.S. Congress when many Americans routinely communicate from their homes via computers with people halfway around the world.

His journey ends in Charleston, the same small town that nurtured his early political career and always sustained him as the place he called home. It was the place where almost everyone knew him and called him Jamie, not Mr. Chairman or Congressman or any of the other honorifics by which he was addressed in his official capacities. He was, in the words of longtime staff leader Buddy Bishop, ''just one of the guys'' in Charleston. His town, the state, and the nation bid Whitten farewell in a service at Charleston Presbyterian Church, where he had been an active member for almost 70 years.

Whitten, 85, died Saturday in an Oxford hospital less than a year after retiring from the U.S. House of Representatives. His 53 years in the House is the record for longevity in that chamber. He is second only to the late Sen. Carl Hayden of Arizona, whose 56 years in the House and Senate combined is Capitol Hill's longest tenure.

Whitten was a low-profile giant who thrived on the serious and demanding business of making public policy. His legislative gifts were no place more evident than in federal policy, laws and programs related to improving and enhancing life in rural America. The depth and breadth of his influence and interest inevitably grew as he moved up the ladder of power and responsibility in Washington. The ladder finally took him to the pinnacle chairmanship of the Appropriations Committee.

Mississippi's senior senator, Republican Thad Cochran, considered Whitten a congressional mentor and close friend. Cochran said Monday that Whitten possessed the invaluable gift of remaining unhurried and courteous in a political atmosphere that was more often frenetic and sometimes discourteous.

Whitten believed in federal investment in America, a practice some people derisively and mistakenly call pork-barrel spending. Whitten often stated his belief in spending federal dollars to generate a return from the productivity of American citizens. That idea always is unpopular with congressmen who don't have the intelligence or the influence to steer a share of the investment to their states and districts. Whitten understood, as he networked with colleagues from coast to coast, that a good investment provides a good return, no matter where it's made.

He also understood that the vast resources of the federal government, as a moral imperative, must be applied to people in crisis and people in need.

Many other members of Congress in this century have been more widely known, more colorful and more ambitious. A bare handful stand in company with Whitten's impact and influence because, for him, effectiveness was vastly more important than fame.

Winston Churchill said that ''singleness of purpose and simplicity of conduct'' are powerful attributes of public servanthood.

Those same qualities distinguish Congressman Jamie L. Whitten's long record as the people's representative in Washington.

[From the Clarion-Ledger, Sept. 17, 1995]

JAMIE WHITTEN KNEW REAL POWER WAS IN THE PURSE STRINGS

(By Bill Minor)

Mississippi's 53-year congressional veteran served his state well.

What Jamie Whitten's half-century in the House of Representatives did for the state of Mississippi is incalculable, because it is beyond comparison to any other person who has represented this state or almost any state in the Congress of the United States.

Certainly Whitten gave this relatively small state in the whole scheme of things for greater influence—you can call it clout—than it had reason to expect. He made the strongest case for longevity as opposed to the current demand for term limits.

In his incredible 53-year service in the U.S. House, Whitten wisely concentrated on the area where the real power lies in Congress, the power of the purse. He long ago staked out a seat on Appropriations, working his way up to the chairmanship in 1980. But for many years before that, he headed the agriculture subcommittee of Appropriations, the spot that earned him the sobriquet as ''the permanent Secretary of Agriculture.'' It was true that Whitten held the purse strings for farm programs as well as a broad spectrum of other programs that were tucked under his wing and the huge agricultural industry of this country knew it. His first concern always was to see that the farm interests of Mississippi were well-served.

Whitten, said his onetime Mississippi colleague, former U.S. Rep. David Bowen, ''could digest an appropriation bill faster than anyone'' in Congress. His legendary reading of the fine print in an appropriation bill is what rescued the Tennessee-Tombigbee Waterway from the public works graveyard in 1967.

Whitten's reputation as the ''mumbler'' when he was handling amendments to complicated appropriations bills, was actually strategy and was done intentionally, says Bowen. ''His speaking style may have seemed obfuscating, says Bowen, ''but he was a very bright man.'' Perhaps he was not outwardly articulate as an orator in comparison to some of his colleagues, but Whitten got the job done.

One important thing in light of what has recently come out of the Bob Packwood diaries about the inordinate influence of Washington lobbyists, is that Whitten, with all his power in spending, never had much time for lobbyists.

The career of Jamie Whitten is a remarkable story of a small-town Mississippian who started out in Congress as a New Dealer with Franklin Roosevelt a half-century ago. Then be became a Dixiecrat in the 1950s when the Citizens' Council and Ross Barnett were in their heyday. In fact, he was one of the leaders in the anti-civil rights Southern Manifesto in Congress.

Back in those days he hardly let it be known back in Mississippi that he was a member of the Democratic Party. But by the late 1960s, Whitten began his transformation to a loyal team player for Democratic programs and eventually became a key cog in pushing liberal programs of the Democratic leadership.

While most political figures become more conservative as they grow older, Whitten on the other hand, grew more liberal, or as some close observers believe, he returned to his New Deal populist roots.

Yes, Jamie Whitten could be said to have been a pragmatic politician. However, he used the political system to not for his own glory, but in a very real sense for his own state. Essentially, Whitten believed in the fundamental value of the federal government as an instrument for the good of the people.

Fortunately, Whitten's best years were in the days before the austerity era became vogue in Congress, and when there was more money available to fund projects such as the Tenn-Tom.

It was never his style to dabble in someone else's politics or build a political organization beyond his own small, loose-knit cadre

of followers. The furthest he ever ventured into statewide politics was once, in 1976, when came down to Jackson to endorse Jimmy Carter for president. That occasion was also his rare (maybe only) exposure to sharp questioning by the state press of Mississippi in a full-fledged news conference. I recall that it was quite an unsettling experience for him.

Jamie probably overstayed his time in Congress when his failing health made him no longer productive. Yet, with his passing last week at age 85, everyone in this state must be grateful that he served them so long and so well. It's unthinkable we'll ever see another like him.

WELFARE REFORM

Mr. PELL. Mr. President, yesterday the Senate concluded several weeks of debate on welfare reform legislation. The changes that were incorporated in the legislation are profound, marking a great departure from the system that has been in place for 60 years. As one who has served my State of Rhode Island and this Nation as a U.S. Senator from 35 of those 60 years, I did not take lightly the vote that I cast yesterday. I thought long and hard about the desire for change, for reform, and for a better welfare system, and I share all of those goals.

As I look at the bill, I remain concerned. It does not provide nearly enough of what I think is necessary for quality welfare reform. And it does not sufficiently protect our children or provide adults with the tools they need to move off of welfare and into work.

But the final bill was also a drastic improvement over the House welfare legislation, and, with the addition of the Dole-Daschle compromise, moves us more in the direction that I think is best for our Nation. So while it was with some reluctance, I decided to cast my vote in favor of the legislation that was before us yesterday. I did so with the understanding that the American people want and demand action, and are seeking a new way of accomplishing what the existing system has not been able to accomplish. I am willing to try a new way, but acknowledge freely that without the minimal protections put into place by the Dole-Daschle agreement with respect to child care and other important provisions, I would not have voted ''yea.''

I cannot help but hope that the conference committee will see fit to incorporate more of the provisions contained in the Work First proposal introduced by Senator DASCHLE, which I cosponsored. I still support and strongly prefer its provisions—its emphasis on transitioning welfare recipients to work, its understanding that providing child care is a linchpin of successful reform, and its premise that—despite very real abuses of the current system by some welfare recipients—most people want to get off welfare and work at a job that provides a living wage. But I realize that the conference committee is more likely to move this bill in a direction that I cannot support, by being more punitive to parents and, in the process, harming children who have not chosen their parents or their circumstances.

Mr. President, it would be my intention, should the bill return from the conference committee stripped of these moderating provisions, or including any of the more draconian provisions we defeated during the Senate debate, to cast my vote against the conference report. I hope that this will not be necessary and that we will be able to pass a conference report that really does move the Nation in the direction that we all want to see—toward workable reform that moves this generation off of dependency while ensuring that the next generation does not suffer for its parents' failures or misfortunes.

TRIBUTE TO AMERICAN LEGION AUXILIARY, UNIT 230, PIKE-HUSKA POST

Mr. PRESSLER. Mr. President, today I pay tribute to certain members of the American Legion Auxiliary, Unit 230, Pike-Huska Post in Aurora, SD. Governor William Janklow designated the first day of the recent South Dakota State Fair as ''Victory Day Golden Anniversary Celebration'' in honor of South Dakota veterans who served in the Second World War. Ten special women in the American Legion Auxiliary in Aurora provided South Dakota World War II veterans attending the celebration with tokens of their appreciation and gratitude in memory of our veterans' dedicated service.

Mr. President, I had the opportunity to join my fellow South Dakotans at the State fair in expressing appreciation to the outstanding men and women who served their country during the Second World War. I am proud of the contributions made by South Dakotans during the war years. More than 2,200 South Dakota National Guardsmen served on active duty. More than 41,000 South Dakotans were called into military service through the draft and 23,192 South Dakotans enlisted. More than 1,500 South Dakotans stood face to face against Hitler's war machine and gave their lives to turn back Nazi aggression. At home, South Dakotans dug deep into their pockets to keep American troops armed, fed, and clothed. During eight national fundraising campaigns, South Dakota consistently ranked first or second in the per capita sale of series ''E'' war bonds. In fact, South Dakotans raised $111.5 million from the sale of series ''E'' war bonds to help the war effort.

Mr. President, as a war veteran myself, having served in the United States Army as a lieutenant in Vietnam, I extend my sincere respect, admiration, and appreciation for the dedicated service and selfless sacrifice of South Dakota's Second World War veterans. I especially appreciate the 10 members of the American Legion Auxiliary in Aurora, SD, who provided on behalf of themselves and all South Dakotans, a small token of our boundless gratitude for those courageous veterans who answered the call to duty more than 50 years ago.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, before discussing today's bad news about the Federal debt, how about ''another go,'' as the British put it, with our pop quiz. Remember? One question, one answer.

The question: How many millions of dollars does it take to add up a trillion dollars? While you are thinking about it, bear in mind that it was the U.S. Congress that ran up the Federal debt that now exceeds $4.9 trillion.

To be exact, as of the close of business yesterday, September 19, the total Federal debt—down to the penny—stood at $4,965,954,997,403.59, of which, on a per capita basis, every man, woman, and child in America owes $18,850.85.

Mr. President, back to our pop quiz, how many million in a trillion: There are a million million in a trillion.

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

The PRESIDING OFFICER. The clerk will report H.R. 1868.

The assistant legislative clerk read as follows.

A bill (H.R. 1868) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 1868

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1996, and for other purposes, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided,* That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-

weapon State as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, [$786,551,000] *$795,000,000* to remain available until September 30, 1997: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That such sums shall remain available until 2010 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 1996 and 1997: *Provided further,* That up to $100,000,000 of funds appropriated by this paragraph shall remain available until expended and may be used for tied-aid grant purposes: *Provided further,* That none of the funds appropriated by this paragraph may be used for tied-aid credits or grants except through the regular notification procedures of the Committees on Appropriations: *Provided further,* That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State, or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs (to be computed on an accrual basis), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $20,000 for official reception and representation expenses for members of the Board of Directors, [$45,228,000] *$46,000,000*: *Provided,* That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading: *Provided further,* That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 1996.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: *Provided,* That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed [$35,000] *$20,000*) shall not exceed [$26,500,000] *$26,000,000*: *Provided further,* That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, [$69,500,000] *$79,000,000,* as authorized by section 234 of the Foreign Assistance Act of 1961, *to be derived by transfer from the Overseas Private Investment Corporation Noncredit account*: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 1996 and 1997: *Provided further,* That such sums shall remain available through fiscal year 2003 for the disbursement of direct and guaranteed loans obligated in fiscal year 1996, and through fiscal year 2004 for the disbursement of direct and guaranteed loans obligated in fiscal year 1997. In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $40,000,000: *Provided,* That the Trade and Development Agency may receive reimbursements from corporations and other entities for the costs of grants for feasibility studies and other project planning services, to be deposited as an offsetting collection to this account and to be available for obligation until September 30, 1997, for necessary expenses under this paragraph: *Provided further,* That such reimbursements shall not cover, or be allocated against, direct or indirect administrative costs of the agency.

[INTERNATIONAL FINANCIAL INSTITUTIONS

[CONTRIBUTION TO THE INTERNATIONAL FINANCE CORPORATION

[For payment to the International Finance Corporation by the Secretary of the Treasury, $67,550,000, for the United States share of the increase in subscriptions to capital stock, to remain available until expended: *Provided,* That of the amount appropriated under this heading not more than $5,269,000 may be expended for the purchase of such stock in fiscal year 1996.

[CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

[For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the Fund to be administered by the Inter-American Development Bank, $70,000,000 to remain available until expended.]

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1996, unless otherwise specified herein, as follows:

[AGENCY FOR INTERNATIONAL DEVELOPMENT

[CHILDREN AND DISEASE PROGRAMS FUND

[For necessary expenses to carry out the provisions of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, for child survival, assistance to combat tropical and other diseases, and related assistance activities, $592,660,000, to remain available until September 30, 1997: *Provided,* That this amount shall be made available for such activities as (1) immunization programs, (2) oral rehydration programs, (3) health and nutrition programs, and related education programs, which address the needs of mothers and children, (4) water and sanitation programs, (5) assistance for displaced and orphaned children, (6) programs for the prevention, treatment, and control of, and research on, HIV/AIDS, polio, malaria and other diseases, (7) basic education programs, and (8) a contribution on a grant basis to the United Nations Children's Fund (UNICEF): *Provided further,* That funds appropriated under this heading shall be in addition to amounts otherwise available for such purposes.

[DEVELOPMENT ASSISTANCE FUND

ECONOMIC ASSISTANCE

[(INCLUDING TRANSFERS OF FUNDS)

[For necessary expenses to carry out the provisions of sections 103 through 106, of the Foreign Assistance Act of 1961, $655,000,000] *For necessary expenses to carry out the provisions of sections 103 through 106, chapter 10 of part I, and chapter 4 of part II of the Foreign Assistance Act of 1961, and the provisions of title V of the International Security and Development Cooperation Act of 1980 (Public Law 96–533) and provisions of section 401 of the Foreign Assistance Act of 1969, $2,117,099,331,* to remain available until September 30, 1997: *Provided, That funds made available under this heading for each of (1) sections 103 through 106, (2) section 104(b), (3) chapter 10 of part I, (4) chapter 4 of part II (exclusive of assistance for Israel and Egypt) of the Foreign Assistance Act of 1961, (5) title V of Public Law 96–533, (6) section 401 of the Foreign Assistance Act of 1969, and (7) for ''Debt Restructuring'', shall be the same proportion to the total amount appropriated under this heading as the proportion of funds appropriated to carry out each of such provisions was to the total amount appropriated for them in title II of Public Law 103–306, exclusive of assistance to Israel and Egypt: Provided further, That the use of any authority to waive the requirements of the previous proviso shall be subject to the regular notification requirements of the Committees on Appropriations: Provided further, That of the funds appropriated or otherwise available by this Act for population planning assistance administered by the Agency for International Development, not less than $350,000,000 shall be made available for the central Office of Population of the Agency for International Development in fiscal year 1996, which sum shall be made available to that office: Provided further,* That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further,* That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services: *Provided further,* That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export*

financing, and related programs, the term ''motivate'', as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options including abortion: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further,* That, notwithstanding section 109 of the Foreign Assistance Act of 1961, of the funds appropriated under this heading [and under the heading ''Development Fund for Africa'',] not to exceed a total of $15,000,000 may be transferred to ''International Organizations and Programs'' for a contribution to the International Fund for Agricultural Development (IFAD), and that any such transfer of funds shall be subject to the regular notification procedures of the Committees on Appropriations*: Provided further, That none of the funds made available under this heading may be transferred to the Government of Zaire.*

[DEVELOPMENT FUND FOR AFRICA

[For necessary expenses to carry out the provisions of chapter 10 of part I of the Foreign Assistance Act of 1961, $528,000,000, to remain available until September 30, 1997: *Provided,* That none of the funds appropriated by this Act to carry out chapters 1 and 10 of part I of the Foreign Assistance Act of 1961 shall be transferred to the Government of Zaire: *Provided further,* That funds appropriated under this heading which are made available for activities supported by the Southern Africa Development Community shall be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.]

CYPRUS

Of the funds appropriated under the heading ''Economic Assistance'', not less than $15,000,000 shall be made available for Cyprus to be used only for scholarships, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus.

BURMA

Of the funds appropriated under the heading ''Economic Assistance'', not less than $2,000,000 shall be made available to strengthen democracy and support humanitarian activities in Burma: Provided, That of this amount, not less than $200,000 shall be used to support newspapers, publications and media activities promoting democracy inside Burma: Provided further, That funds made available under this heading may be made available to organizations and Burmese student groups to expand indigenous participation in the political process, transportation, communications, publications, administration, and medical supplies and humanitarian services: Provided further, That funds made available under this heading may be made available to support activities in Burma, along the Burma-Thailand border, and to support activities designated by this Act outside Burma: Provided further, That funds made available under this heading may be made available notwithstanding any other provision of law: Provided further, That provision of such funds shall be made available subject to the regular notification procedures of the Appropriations Committees.

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 per centum of its total annual funding for international activities from sources other than the United States Government: *Provided,* That the requirements of the provisions of section 123(g) of the Foreign Assistance Act of 1961 and the provisions on private and voluntary organizations in title II of the ''Foreign Assistance and Related Programs Appropriations Act, 1985'' (as enacted in Public Law 98–473) shall be superseded by the provisions of this section, *except that the authority contained in the last sentence of section 123(g) may be exercised by the Administrator with regard to the requirements of this paragraph.*

[Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is equivalent to the level provided in fiscal year 1995. Such private and voluntary organizations shall include those which operate on a not-for-profit basis, receive contributions from private sources, receive voluntary support from the public and are deemed to be among the most cost-effective and successful providers of development assistance.

[INTERNATIONAL DISASTER ASSISTANCE

[For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $200,000,000 to remain available until expended.]

DEBT RESTRUCTURING

[For] *Of the funds made available under the heading ''Economic Assistance'', for* the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts, through debt buybacks and swaps, [owed to the United States as a result of concessional loans made to eligible Latin American and Caribbean countries, pursuant to part IV of the Foreign Assistance Act of 1961, $7,000,000] *$15,000,000,* to remain available until expended.

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

[For] *Of the funds made available under the heading ''Economic Assistance'', for* the subsidy cost of direct loans and loan guarantees, $1,500,000, as authorized by section 108 of the Foreign Assistance Act of 1961, as amended: *Provided,* That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974*: Provided further, That guarantees of loans made under this heading in support of microenterprise activities may guarantee up to 70 percent of the prinicpal amount of any such loans notwithstanding section 108 of the Foreign Assistance Act of 1961.* In addition, for administrative expenses to carry out programs under this heading, $500,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development*: Provided further, That funds made available under this heading shall remain available until September 30, 1997.*

HOUSING GUARANTY PROGRAM ACCOUNT

[For administrative expenses to carry out guaranteed loan programs, $7,000,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development.]

Of the funds made available under the heading ''Economic Assistance'', for the subsidy cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of guaranteed loans authorized by sections 221 and 222 of the Foreign Assistance Act of 1961, $8,000,000: Provided, That these funds are available to subsidize loan principal, 100 percent of which shall be guaranteed, pursuant to the authority of such sections: Provided further, That the President shall enter into commitments to guarantee such loans in the full amount provided under this heading, subject to the availability of qualified applicants for such guarantees: Provided further, That for administrative expenses to carry out guaranteed loan programs, $7,000,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That commitments to guarantee loans under this heading may be entered into notwithstanding the second and third sentences of section 222(a) and, with regard to programs for Eastern Europe and programs for the benefit of South Africans disadvantaged by apartheid, section 223(j) of the Foreign Assistance Act of 1961: Provided further, That none of the funds appropriated under this heading shall be obligated except through the regular notification procedures of the Committees on Appropriations.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $175,000,000 to remain available until expended.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the ''Foreign Service Retirement and Disability Fund'', as authorized by the Foreign Service Act of 1980, $43,914,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, [$465,750,000] *$490,000,000*[: *Provided,* That of this amount not more than $1,475,000 may be made available to pay for printing costs: *Provided further,* That none of the funds appropriated by this Act for programs administered by the Agency for International Development may be used to finance printing costs of any report or study (except feasibility, design, or evaluation reports or studies) in excess of $25,000 without the approval of the Administrator of that Agency or the Administrator's designee].

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, [$35,200,000] *$30,200,000,* which sum shall be available for the Office of the Inspector General of the Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

MIDDLE EAST FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, [$2,300,000,000] *$2,015,000,000,* to remain available until September 30, 1997[: *Provided,* That any funds appropriated under this heading that are made available for Israel shall be made available on a grant basis as a cash transfer and shall be disbursed within thirty days of enactment of this Act or by October 31, 1995, whichever is later]*: Provided, That of the funds appropriated under this heading, not less than $1,200,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within thirty days of enactment of this Act or by October 31, 1995, whichever is later: Provided further, That not less than $815,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance may be provided,*

with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than $200,000,000 shall be provided as Commodity Import Program assistance: Provided further, That in exercising the authority to provide cash transfer assistance for Israel and Egypt, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to each such country: Provided further, That it is the sense of the Congress that the recommended levels of assistance for Egypt and Israel are based in great measure upon their continued participation in the Camp David Accords and upon the Egyptian-Israeli peace treaty[*: Provided further,* That none of the funds appropriated under this heading shall be made available for Zaire].

[INTERNATIONAL FUND FOR IRELAND

[For necessary expenses to carry out the provisions of part I of the Foreign Assistance Act of 1961, up to $19,600,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415): *Provided,* That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further,* That funds made available under this heading shall remain available until September 30, 1997.]

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, [$324,000,000] *$335,000,000,* to remain available until September 30, 1997, which shall be available, notwithstanding any other provision of law, for economic assistance and for related programs for Eastern Europe and the Baltic States.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapter 11 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the new independent states of the former Soviet Union and for related programs, [$580,000,000] *$705,000,000,* to remain available until September 30, 1997: *Provided,* That the provisions of 498B(j) of the Foreign Assistance Act of 1961 shall apply to funds appropriated by this paragraph.

(b) None of the funds appropriated under this heading shall be transferred to the Government of Russia—

(1) unless that Government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, negotiating repayment of commercial debt, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that Government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

(c) Funds may be furnished without regard to subsection (b) if the President determines that to do so is in the national interest.

(d) None of the funds appropriated under this heading shall be made available to any government of the new independent states of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other new independent state[, such as those violations included in Principle Six of the Helsinki Final Act: *Provided,* That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States: Provided further,]*: Provided,* That the restriction of this subsection shall not apply to the use of such funds for the provision of assistance for purposes of humanitarian, disaster and refugee relief.

(e) None of the funds appropriated under this heading for the new independent states of the former Soviet Union shall be made available for any state to enhance its military capability*: Provided, That this restriction does not apply to demilitarization, defense conversion or non-proliferation programs.*

(f) Funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.

(g) Funds made available in this Act for assistance to the new independent states of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(h) Funds appropriated under this heading may be made available for assistance for Mongolia.

(i) Funds made available in this Act for assistance to the new independent states of the former Soviet Union shall be provided to the maximum extent feasible through the private sector, including small- and medium-size businesses, entrepreneurs, and others with indigenous private enterprises in the region, intermediary development organizations committed to private enterprise, and private voluntary organizations [previously functioning in the new independent states].

[(j) The ratio of private sector investment (including volunteer contributions in cash or time) to United States government assistance in projects referred to in subsection (i) shall be no less than a ratio of 1 to 1.]

(k) Of the funds appropriated under this heading, not less than $15,000,000 should be available only for a family planning program for the new independent states of the former Soviet Union comparable to the family planning program currently administered by the Agency for International Development in the Central Asian Republics and focusing on population assistance which provides an alternative to abortion.

(l) Notwithstanding any other provision of law or this Act, of the funds appropriated under this heading, not less than $85,000,000 shall be made available for programs and activities for Armenia, of which $35,000,000 shall be available for food, $40,000,000 shall be available for fuel, and $10,000,000 shall be available for medical supplies and services.

(m) Of the funds made available by this or any other Act, not less than $30,000,000 shall be made available for programs and activities for Georgia.

(n) Of the funds appropriated under this heading, not less than $225,000,000 shall be made available for Ukraine: Provided, That of these funds made available, not less than $3,000,000 shall be made available to assist in establishing a commodities exchange board: Provided further, That not less than $5,000,000 shall be made available to support improvements in the delivery of social services: Provided further, That not less than $20,000,000 shall be available to support the development of small and medium enterprises: Provided further, That not less than $2,000,000 shall be provided to support strengthening in independent broadcast and print media: Provided further, That not less than $5,000,000 shall be available for a pilot project to screen, diagnose, and treat Chernobyl victims suffering from breast cancer: Provided further, That not less than $5,000,000 shall be available to support a joint United States-Ukraine geographic survey to determine levels of contamination caused by the Chernobyl reactor: Provided further, That not less than $2,000,000 shall be available to conduct an assessment of the energy distribution grid with recommendations on improvements necessary to provide comprehensive industrial, commercial and residential access to power: Provided further, That not less than $5,000,000 shall be made available for a pilot project to establish a management and market economics training partnership between a Ukrainian university and a United States university with demonstrated experience in Eastern Europe or the New Independent States and an ability to plan and direct a multi-faceted program including business management, manufacturing management, market economics, and public administration training.

(o) Of the funds made available for Ukraine, under this Act or any other Act, not less than $50,000,000 shall be made available to improve nuclear energy self-sufficiency and improve safety at nuclear reactors: Provided, That of this amount, not less than $30,000,000 shall be made available to provide technical assistance, training and equipment to develop institutions and procedures to license, purchase, transfer and use nuclear fuel assemblies consistent with International Atomic Energy Agency standards: Provided further, That of this amount, not less than $20,000,000 shall be provided for the purchase, installation and training for safety parameter display systems or safety control systems at all nuclear operational nuclear reactors, but on a priority basis at the Chernobyl facility.

(p) Notwithstanding any other provision of law or of this Act, of the funds made available under this heading, within 30 days of enactment of this Act, not less than $4,500,000 shall be transferred to the Federal Bureau of Investigation to establish Legal Attaché offices and related programs in Ukraine, Kazakhstan, and Estonia: Provided, That these funds shall support both in country and regional law enforcement liaison and investigation activities.

(q) Notwithstanding any other provision of law or of this Act, of the funds made available under this heading, within 30 days of enactment of this Act not less than $12,600,000 shall be transferred to the Federal Bureau of Investigation for international training and cooperation in Central Europe and the New Independent States: Provided, That these funds may support training conducted at the International Law Enforcement Academy in Hungary, in country training sessions in Central Europe, the Baltics, and the New Independent States, and efforts to establish national law enforcement institutes.

(r) Of the funds made available under this heading, not less than $20,000,000 shall be available for hospital partnership programs.

(s) Of the funds made available under this heading, not less than $45,000,000 shall be provided to the Western NIS Enterprise Fund.

(t) No funds may be made available under this heading, until the Department of State Office of the Coordinator for United States Assistance to the New Independent States submits a report to

the Committees on Appropriations providing a country by country development strategy including the type of activities planned to carry out the strategy requirements.

(u) No funds may be made available under this heading for Russia unless the President determines and certifies in writing to the Committees on Appropriations that the Government of Russia has terminated all planning and implementation of arrangements to provide Iran with technical expertise, training, technology or equipment necessary to develop a nuclear reactor or related nuclear research facilities or programs.

(v) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Funds disbursement of such funds. The Fund may retain for program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by Congress.

(w) Of the funds made available under this heading, not less than $15,000,000 shall be made available to support establishing a Trans-Caucasus Enterprise Fund.

[INDEPENDENT AGENCIES

[AFRICAN DEVELOPMENT FOUNDATION

[For necessary expenses to carry out the provisions of title V of the International Security and Development Cooperation Act of 1980, Public Law 96–533, and to make such contracts and commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, $11,500,000.

[INTER-AMERICAN FOUNDATION

[For expenses necessary to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, $20,000,000.]

PEACE CORPS

For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), [$210,000,000] *$200,000,000*, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: *Provided*, That none of the funds appropriated under this heading shall be used to pay for abortions*: Provided further, That funds appropriated under this heading shall remain available until September 30, 1997.*

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

For necessary expenses to carry out the provisions of section 481 of the Foreign Assistance Act of 1961, [$113,000,000] *$150,000,000*: *Provided*, That during fiscal year 1996, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive non-lethal excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations*: Provided further, That of the funds appropriated under this heading, not less than $1,800,000 shall be available to establish and maintain a Federal Bureau of Investigation Legal Attaché office in Cairo, Egypt: Provided further, That not less than $5,000,000 shall be made available to the Federal Bureau of Investigation and the Secret Service to establish and maintain offices in the Triborder area of Argentina, Brazil and Paraguay.*

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; *salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; salaries and expenses of personnel assigned to the bureau charged with carrying out the Migrations and Refugee Assistance Act; allowances as authorized by sections 5921 through 5925 of title 5, United States Code,* purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $671,000,000*: Provided, That not more than $12,000,000 shall be available for administrative expenses*[: *Provided*, That, one of the funds appropriated under this heading shall be available for salaries and expenses of personnel assigned to the bureau charged with carrying out the Migration and Refugee Assistance Act[*: Provided further, That not less than $80,000,000 shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.*

[REFUGEE RESETTLEMENT ASSISTANCE

[For necessary expenses for the targeted assistance program authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 and administered by the Office of Refugee Resettlement of the Department of Health and Human Services, in addition to amounts otherwise available for such purposes, $5,000,000.]

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $50,000,000, to remain available until expended: *Provided*, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 which would limit the amount of funds which could be appropriated for this purpose.

ANTI-TERRORISM ASSISTANCE

For necessary expenses to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961, [$17,000,000] *$15,000,000.*

NONPROLIFERATION AND DISARMAMENT FUND

For necessary expenses for a ''Nonproliferation and Disarmament Fund'', $20,000,000, to remain available until expended, to promote bilateral and multilateral activities: *Provided*, That such funds may be used pursuant to the authorities contained in section 504 of the FREEDOM Support Act: *Provided further*, That such funds may also be used for such countries other than the new independent states of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: *Provided further*, That funds appropriated under this heading may be made available notwithstanding any other provision of law: *Provided further*, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, [$39,000,000] *$19,000,000*: *Provided*, That up to $100,000 of the funds appropriated under this heading may be made available for grant financed military education and training for any high income country on the condition that that country agrees to fund from its own resources the transportation cost and living allowances of its students: *Provided further*, That the civilian personnel for whom military education and training may be provided under this heading may also include members of national legislatures who are responsible for the oversight and management of the military, and may also include individuals who are not members of a government: *Provided further*, That none of the funds appropriated under this heading shall be available for Zaire *and Guatemala*[: *Provided further*, That funds appropriated under this heading for grant financed military education and training for Indonesia and Guatemala may only be available for expanded military education and training].

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, [$3,211,279,000] *$3,207,500,000*: [*Provided*, That funds appropriated by this paragraph that are made available for Israel and Egypt shall be made available only as grants: *Provided further*, That the funds appropriated by this paragraph that are made available for Israel shall be disbursed within thirty days of enactment of this Act or by October 31, 1995, whichever is later: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not to exceed $475,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further*, That funds made available under this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act:] *Provided, That of the funds appropriated by this paragraph not less than $1,800,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be available for grants only for Egypt: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within thirty days of enactment of this Act or by October 31, 1995, whichever is later: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced fighter aircraft programs or for other advanced weapons systems, as follows: (1) up to $150,000,000 shall be available for research and development in the United States; and (2) not less than $475,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That funds made available under this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That, for the purpose only of providing support for the Warsaw Initiative Program, of the funds appropriated by this Act under the headings ''Assistance for Eastern Europe and the Baltic States'' and ''Assistance for the New Independent States of the Former Soviet Union'', up to a total of $20,000,000 may be transferred, notwithstanding any other provision of law, to the funds appropriated under this paragraph: Provided further,* That none of the funds made available under this heading shall be available for any non-NATO country participating in the Partnership for Peace

Program except through the regular notification procedures of the Committees on Appropriations.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans authorized by section 23 of the Arms Export Control Act as follows: cost of direct loans, $64,400,000: *Provided,* That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $544,000,000: *Provided further,* That the rate of interest charged on such loans shall be not less than the current average market yield on outstanding marketable obligations of the United States of comparable maturities: *Provided further,* That funds appropriated under this heading shall be made available for Greece and Turkey only on a loan basis, and the principal amount of direct loans for each country shall not exceed *the following:* $224,000,000 *only* for Greece and [shall not exceed] $320,000,000 *only* for Turkey.

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: *Provided,* That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: *Provided further,* That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a): *Provided further,* That none of the funds appropriated under this heading shall be available for Zaire, Sudan, Peru, Liberia, and Guatemala: *Provided further,* That none of the funds appropriated or otherwise made available for use under this heading may be made available for Colombia or Bolivia until the Secretary of State certifies that such funds will be used by such country primarily for counternarcotics activities: *Provided further,* That funds made available under this heading may be used, notwithstanding any other provision of law, for demining activities, and may include activities implemented through nongovernmental and international organizations: *Provided further,* That not more than $100,000,000 of the funds made available under this heading shall be available for use in financing the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act to countries other than Israel and Egypt: *Provided further,* That only those countries for which assistance was justified for the ''Foreign Military Sales Financing Program'' in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further,* That, subject to the regular notification procedures of the Committees on Appropriations, funds made available under this heading for the cost of direct loans may also be used to supplement the funds available under this heading for grants, and funds made available under this heading for grants may also be used to supplement the funds available under this heading for the cost of direct loans: *Provided further,* That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further,* That the Department of Defense shall conduct during the current fiscal year nonreimbursable audits of private firms whose contracts are made directly with foreign governments and are financed with funds made available under this heading (as well as subcontractors thereunder) as requested by the Defense Security Assistance Agency: *Provided further,* That not more than [$24,000,000] *$22,500,000* of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: *Provided further,* That not more than $355,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 1996 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, [$68,300,000] *$72,033,000: Provided, That none of the funds appropriated under this paragraph shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.*

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increases in capital stock for the General Capital Increase, [$23,009,000] *$28,189,963,* to remain available until expended.

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States contribution to the Global Environment Facility (GEF), [$30,000,000] *$50,000,000,* to remain available until September 30, 1997.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in capital stock in an amount not to exceed [$743,900,000] *$911,475,013.*

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, [$575,000,000] *$775,000,000,* for the United States contribution to the tenth replenishment, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL FINANCE CORPORATION

For payment to the International Finance Corporation by the Secretary of the Treasury, $67,550,000, for the United States share of the increase in subscriptions to capital stock, to remain available until expended: Provided, That of the amount appropriated under this heading not more than $5,269,000 may be expended for the purchase of such stock in fiscal year 1996.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increase in capital stock, [$25,950,000] *$25,952,110, and for the United States share of the increase in the resources of the Fund for Special Operations, $20,000,000, to remain available until expended.*

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed [$1,523,000,000] *$1,523,767,142.*

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the Fund to be administered by the Inter-American Development Bank, $70,000,000 to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, [$13,200,000] *$13,221,596,* to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed [$647,000,000] *$647,858,204.*

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended (Public Law 89–369), [$100,000,000] *$110,000,000,* to remain available until expended.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, [$69,180,000] *$70,000,000,* for the United States share of the paid-in share portion of the initial capital subscription, to remain available until expended: *Provided,* That of the amount appropriated under this heading not more than $54,600,000 may be expended for the purchase of such stock in fiscal year 1996.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed [$161,400,000] *$163,333,333.*

[NORTH AMERICAN DEVELOPMENT BANK

[For payment to the North American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in portion of the capital stock, $56,250,000, to remain available until expended.

[LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

[The United States Governor of the North American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of the capital stock of the North American Development Bank in an amount not to exceed $318,750,000.]

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, [$155,000,000] *$260,000,000*: *Provided,* That none of the funds appropriated under this heading shall be made available for the United Nations Fund for Science and Technology: *Provided further,* That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: *Provided further, That any reduction in the amounts made available under this heading for each of the United Nations Development Program, the United Nations Children's Fund, the United Nations Environment Program, and the International Atomic Energy Agency, from the amounts made available under this heading for such organizations for fiscal year 1995, shall not exceed the percentage by which the total amount appropriated under this heading is reduced from the total amount appropriated under this heading for fiscal year 1995: Provided further,* That none of the funds appropriated under this heading that are made available to the United Nations Population Fund (UNFPA) shall be made available for activities in the People's Republic of China: *Provided further,* That not more than [$25,000,000] *$35,000,000* of the funds appropriated under this heading may be made available to the UNFPA: *Provided further,* That not more than one-half of this amount may be provided to UNFPA before March 1, 1996, and that no later than February 15, 1996, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount UNFPA is budgeting for the People's Republic of China in 1996: *Provided further,* That any amount UNFPA plans to spend in the People's Republic of China in 1996 above $7,000,000, shall be deducted from the amount of funds provided to UNFPA after March 1, 1996 pursuant to the previous provisos: *Provided further,* That with respect to any funds appropriated under this heading that are made available to UNFPA, UNFPA shall be required to maintain such funds in a separate account and not commingle them with any other funds[: *Provided further,* That up to $13,000,000 may be made available to the Korean Peninsula Energy Development Organization (KEDO) for administrative expenses and heavy fuel oil costs associated with the Framework Agreement: Provided further, That additional funds may be made available to KEDO subject to the regular notification procedures of the Committees on Appropriations].

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled ''International Disaster Assistance'', and ''United States Emergency Refugee and Migration Assistance Fund'', not more than 15 per centum of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 502. None of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: *Provided,* That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, [not to exceed $5,000] *no funds* shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: *Provided,* That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: *Provided further,* That of the funds made available by this Act for general costs of administering military assistance and sales under the heading ''Foreign Military Financing Program'', [not to exceed $2,000] *no funds* shall be available for entertainment expenses and not to exceed $50,000 shall be available for representation allowances: *Provided further,* That of the funds made available by this Act under the heading ''International Military Education and Training'', not to exceed $50,000 shall be available for entertainment allowances: *Provided further,* That of the funds made available by this Act for the Inter-American Foundation, *no funds shall be available for entertainment and* not to exceed $2,000 shall be available for [entertainment and] representation allowances: *Provided further,* That of the funds made available by this Act for the Peace Corps, [not to exceed a total of $4,000] *no funds* shall be available for entertainment expenses: *Provided further,* That of the funds made available by this Act under the heading ''Trade and Development Agency'', *no funds shall be available for entertainment and* not to exceed $2,000 shall be available for representation [and entertainment] allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for ''International Organizations and Programs'') pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Serbia, Sudan, or Syria: *Provided,* That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected Head of Government is deposed by military coup or decree: *Provided,* That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate: *Provided,* That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations, except for transfers specifically referred to in this Act.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. *(a)* Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings under title II of this Act are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 1996, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: *Provided,* That the Appropriations Committees of both Houses of the Congress are notified fifteen days in advance of the deobligation and reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

(b) Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: Provided, That the authority of this subsection may not be used in fiscal year 1996.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided,* That funds appropriated for the purposes of chapters 1, 8 and 11 of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, and funds provided under the heading ''Assistance for Eastern Europe and the Baltic States'', shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further,* That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: *Provided further,* That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of

principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act: *Provided,* That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available in this Act or during the current fiscal year for Nicaragua, and for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided,* That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, *and the Chairman of the Board so notifies the Committees on Appropriations.*

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided,* That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. For the purposes of providing the Executive Branch with the necessary administrative flexibility, none of the funds made available under this Act for [''Child Survival and Disease Programs Fund'', ''Development Assistance Fund'', ''Development Fund for Africa''.] *''Economic Assistance''*, ''International organizations and programs'', ''Trade and Development Agency'', ''International narcotics control'', ''Assistance for Eastern Europe and the Baltic States'', ''Assistance for the New Independent States of the Former Soviet Union'', [''Economic Support Fund''.] ''Peacekeeping operations'', ''Operating expenses of the Agency for International Development'', ''Operating expenses of the Agency for International Development Office of Inspector General'', ''Nonproliferation and Disarmament Fund'', ''Anti-terrorism assistance'', ''Foreign Military Financing Program'', ''International military education and training'', [''Inter-American Foundation'', ''African Development Foundation''.] ''Peace Corps'', *''Middle East Fund'' or* ''Migration and refugee assistance'', [or ''United States Emergency Refugee and Migration Assistance Fund''.] shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance: *Provided,* That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 per centum in excess of the quantities justified to Congress unless the Committees on Appropriations are notified fifteen days in advance of such commitment: *Provided further,* That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than [20] *10* per centum of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: *Provided further,* That the requirements of this section or any similar provision of this Act or any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided further,* That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than three days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further,* That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Notwithstanding any other provision of law or of this Act, none of the funds provided for ''International Organizations and Programs'' shall be available for the United States proportionate share, in accordance with section 307(c) of the Foreign Assistance Act of 1961, for any programs identified in section 307, or for Libya, Iran, or, at the discretion of the President, Communist countries listed in section 620(f) of the Foreign Assistance Act of 1961, as amended: *Provided,* That, subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of this section or any similar provision of law, shall remain available for obligation through September 30, 1997.

ECONOMIC [SUPPORT FUND] ASSISTANCE FOR ISRAEL

SEC. 517. The Congress finds that progress on the peace process in the Middle East is vitally important to United States security interests in the region. The Congress recognizes that, in fulfilling its obligations under the Treaty of Peace Between the Arab Republic of Egypt and the State of Israel, done at Washington on March 26, 1979, Israel incurred severe economic burdens. Furthermore, the Congress recognizes that an economically and militarily secure Israel serves the security interests of the United States, for a secure Israel is an Israel which has the incentive and confidence to continue pursuing the peace process. Therefore, the Congress declares that, subject to the availability of appropriations, it is the policy and the intention of the United States that the funds provided in annual appropriations for [the Economic Support Fund] *economic assistance* which are allocated to Israel shall not be less than the annual debt repayment (interest and principal) from Israel to the United States Government in recognition that such a principle serves United States interests in the region.

PROHIBITION [CONCERNING ABORTIONS] *ON FUNDING FOR ABORTIONS* AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations*: Provided, That in determining eligibility for assistance from funds appropriated to carry out section 104 of the Foreign Assistance Act of 1961, nongovernmental and multilateral organizations shall not be subjected to requirements more restrictive than the requirements applicable to foreign governments for such assistance: Provided further, That none of the funds made available under this Act may be used to lobby for or against abortion.*

REPORTING REQUIREMENT

SEC. 519. The President shall submit to the Committees on Appropriations the reports

required by section 25(a)(1) of the Arms Export Control Act.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated in this Act shall be obligated or expended for Colombia, Dominican Republic, Guatemala, Haiti, [Indonesia,] Liberia, Nicaragua, Pakistan, Peru, [Russia,] Sudan, or Zaire except as provided through the regular notification procedures of the Committees on Appropriations: *Provided,* That this section shall not apply to funds appropriated by this Act to carry out the provisions of chapter 1 of part I of the Foreign Assistance Act of 1961 that are made available for [Indonesia and] Nicaragua.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, ''program, project, and activity'' shall be defined at the Appropriations Act account level and shall include all Appropriations and Authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, ''program, project, and activity'' shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development ''program, project, and activity'' shall also be considered to include central program level funding, either as (1) justified to the Congress, or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within thirty days of enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

FAMILY PLANNING, CHILD SURVIVAL AND AIDS ACTIVITIES

SEC. 522. Up to $8,000,000 of the funds made available by this Act for assistance for family planning, health, child survival, and AIDS, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out family planning activities, child survival activities and activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome in developing countries: *Provided,* That funds appropriated by this Act that are made available for child survival activities or activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome may be made available notwithstanding any provision of law that restricts assistance to foreign countries: *Provided further,* That funds appropriated by this Act that are made available for family planning activities may be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 523. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, Iran, Syria, North Korea, or the People's Republic of China, unless the President of the United States certifies that the withholding of these funds is contrary to the national *security* interest of the United States.

RECIPROCAL LEASING

SEC. 524. Section 61(a) of the Arms Export Control Act is amended by striking out ''1995'' and inserting in lieu thereof ''1996''.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 525. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (c) of that section: *Provided,* That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: *Provided further,* That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 526. Funds appropriated by this Act may be obligated and expended [subject to] *notwithstanding* section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

OPPOSITION TO ASSISTANCE TO TERRORIST COUNTRIES BY INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 527. (a) INSTRUCTIONS FOR UNITED STATES EXECUTIVE DIRECTORS.—The Secretary of the Treasury shall instruct the United States Executive Director of each international financial institution designated in subsection (b), and the Administrator of the Agency for International Development shall instruct the United States Executive Director of the International Fund for Agriculture Development, to use the voice and vote of the United States to oppose any loan or other use of the funds of the respective institution to or for a country for which the Secretary of State has made a determination under section 6(j) of the Export Administration Act of 1979.

(b) DEFINITION.—For purposes of this section, the term ''international financial institution'' includes—

(1) the International Bank for Reconstruction and Development, the International Development Association, and the International Monetary Fund; and

(2) wherever applicable, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, the African Development Fund, and the European Bank for Reconstruction and Development.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 527A. (a) Notwithstanding any other provision of law, funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least fifteen days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 528. Notwithstanding any other provision of law, and subject to the regular notification requirements of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to [Israel and] *Israel,* Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

COMPETITIVE INSURANCE

SEC. 528A. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States insurance companies have a fair opportunity to bid for insurance when such insurance is necessary or appropriate.

[STINGERS IN THE PERSIAN GULF REGION

[SEC. 529. Except as provided in section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, the United States may not sell or otherwise make available any Stingers to any country bordering the Persian Gulf under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961.]

DEBT-FOR-DEVELOPMENT

SEC. 530. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment may be used for the purpose for which the assistance was provided to that organization.

[LOCATION OF STOCKPILES

[SEC. 531. Section 514(b)(2) of the Foreign Assistance Act of 1961 is amended by striking out ''a total of $200,000,000 for stockpiles in Israel for fiscal years 1994 and 1995, up to $40,000,000 may be made available for stockpiles in the Republic of Korea, and up to $10,000,000 may be made available for stockpiles in Thailand for fiscal year 1995.'' and inserting in lieu thereof ''*$200,000,000 for stockpiles in Israel,* $40,000,000 for stockpiles in the Republic of Korea and $10,000,000 for stockpiles in Thailand for fiscal year 1996''.]

COMPETITIVE PRICING FOR SALES OF DEFENSE ARTICLES

SEC. 531A. (a) COSTING BASIS.—Section 22 of the Arms Export Control Act (22 U.S.C. 2762) is amended by adding at the end the following:

''(d) COMPETITIVE PRICING.—Procurement contracts made in implementation of sales under this section for defense articles and defense services wholly paid for funds made available on a nonrepayable basis shall be priced on the same costing basis with regard to profit, overhead, independent research and development, bid and proposal, and other costing elements, as is applicable to procurements of like items purchased by the Department of Defense for its own use.''

(b) EFFECTIVE DATE AND IMPLEMENTING REGULATIONS.—Section 22(d) of the Arms Export Control Act, as added by subsection (a)—

(1) shall take effect on the 60th day following the date of the enactment of this Act;

(2) shall be applicable only to contracts made in implementation of sales made after such effective date; and

(3) shall be implemented by revised procurement regulations, which shall be issued prior to such effective date.

STOCKPILES OF DEFENSE ARTICLES

SEC. 531B. (a) LIMITATION ON VALUE OF ADDITIONS.—Section 514(b)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(1)) is amended by inserting ''or in the implementation of agreements with Israel'' after ''North Atlantic Treaty Organization''.

(b) ADDITIONS IN FISCAL YEARS 1996 AND 1997.—Section 514(b)(2) of such Act (22 U.S.C. 2321h(b)(2)) is amended to read as follows:

''(2)(A) The value of such additions to stockpiles of defense articles in foreign countries shall not exceed $50,000,000 for each of the fiscal years 1996 and 1997.

''(B) Of the amount specified in subparagraph (A) for each of the fiscal years 1996 and 1997, not more than $40,000,000 may be made available for stockpiles in the Republic of Korea and not more than $10,000,000 may be made available for stockpiles in Thailand.''.

(c) LOCATION OF STOCKPILES OF DEFENSE AUTHORITIES.—Section 514(c) of such Act (22 U.S.C. 2321h(c)) is amended to read as follows:

''(c) LOCATION OF STOCKPILES OF DEFENSE ARTICLES.—

''(1) LIMITATION.—Except as provided in paragraph (2), no stockpile of defense articles may be located outside the boundaries of a United States military base or a military base used primarily by the United States.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply with respect to stockpiles of defense articles located in the Republic of Korea, Thailand, any country that is a member of the North Atlantic Treaty Organization, any country that is a major non-NATO ally, or any other country the President may designate. At least 15 days before designating a country pursuant to the last clause of the preceding sentence, the President shall notify the congressional committees specified in section 634A(a) in accordance with the procedures applicable to reprogramming notifications under that section.''.

SEPARATE ACCOUNTS

SEC. 532. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated, and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities, or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all appropriate steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) CONFORMING AMENDMENTS.—The provisions of this subsection shall supersede the tenth and eleventh provisos contained under the heading ''Sub-Saharan Africa, Development Assistance'' as included in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 and sections 531(d) and 609 of the Foreign Assistance Act of 1961.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapters 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Report No. 98–1159).

(3) NOTIFICATION.—At least fifteen days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 533. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, ''international financial institutions'' are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 534. [(a) DENIAL OF ASSISTANCE.—] None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq, Serbia or Montenegro unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

[(b) IMPORT SANCTIONS.—If the President considers that the taking of such action would promote the effectiveness of the economic sanctions of the United Nations and the United States imposed with respect to Iraq, Serbia, or Montenegro, as the case may be and is consistent with the national interest, the President may prohibit, for such a period of time as he considers appropriate, the importation into the United States of any or all products of any foreign country that has not prohibited—

[(1) the importation of products of Iraq, Serbia, or Montenegro into its customs territory, and

[(2) the export of its products to Iraq, Serbia, or Montenegro, as the case may be.]

POW/MIA MILITARY DRAWDOWN

SEC. 535. (a) Notwithstanding any other provision of law, the President may direct the drawdown, without reimbursement by the recipient, of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training, of an aggregate value not to exceed $15,000,000 in fiscal year 1996, as may be necessary to carry out subsection (b).

(b) Such defense articles, services and training may be provided to Vietnam, Cambodia and Laos, under subsection (a) as the President determines are necessary to support efforts to locate and repatriate members of the United States Armed Forces and civilians employed directly or indirectly by the United States Government who remain unaccounted for from the Vietnam War, and to ensure the safety of United States Government personnel engaged in such cooperative efforts and to support United States Department of Defense-sponsored humanitarian projects associated with the POW/MIA efforts. Any aircraft shall be provided under this section only to Laos and only on a lease or loan basis, but may be provided at no cost notwithstanding section 61 of the Arms Export Control Act and may be maintained with defense articles, services and training provided under this section.

(c) The President shall, within sixty days of the end of any fiscal year in which the authority of subsection (a) is exercised, submit a report to the Congress which identifies the articles, services, and training drawn down under this section.

(d) There are authorized to be appropriated to the President such sums as may be necessary to

reimburse the applicable appropriation, fund, or account for defense articles, defense services, and military education and training provided under this section.

MEDITERRANEAN EXCESS DEFENSE ARTICLES

SEC. 536. During fiscal year 1996, the provisions of section 573(e) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, shall be applicable, for the period specified therein, to excess defense articles made available under sections 516 and 519 of the Foreign Assistance Act of 1961.

PRIORITY DELIVERY OF EQUIPMENT

SEC. 536A. Notwithstanding any other provision of law, the delivery of excess defense articles that are to be transferred on a grant basis under section 516 of the Foreign Assistance Act to NATO allies and to major non-NATO allies on the southern and southeastern flank of NATO shall be given priority to the maximum extent feasible over the delivery of such excess defense articles to other countries.

CASH FLOW FINANCING

SEC. 537. For each country that has been approved for cash flow financing (as defined in section 25(d) of the Arms Export Control Act, as added by section 112(b) of Public Law 99–83) under the Foreign Military Financing Program, any Letter of Offer and Acceptance or other purchase agreement, or any amendment thereto, for a procurement in excess of $100,000,000 that is to be financed in whole or in part with funds made available under this Act shall be submitted through the regular notification procedures to the Committees on Appropriations.

AUTHORITIES FOR THE PEACE CORPS, THE INTER-AMERICAN FOUNDATION AND THE AFRICAN DEVELOPMENT FOUNDATION

SEC. 538. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act, or the African Development Foundation Act. The appropriate agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 539. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(b) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(c) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided,* That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

AUTHORITY TO ASSIST BOSNIA-HERCEGOVINA

SEC. 540. (a) Congress finds as follows:

(1) The United Nations has imposed an embargo on the transfer of arms to any country on the territory of the former Yugoslavia.

(2) The federated states of Serbia and Montenegro have a large supply of military equipment and ammunition and the Serbian forces fighting the government of Bosnia-Hercegovina have more than one thousand battle tanks, armored vehicles, and artillery pieces.

(3) Because the United Nations arms embargo is serving to sustain the military advantage of the aggressor, the United Nations should exempt the government of Bosnia-Hercegovina from its embargo.

(b) Pursuant to a lifting of the United Nations arms embargo, or to a unilateral lifting of the arms embargo by the President of the United States, against Bosnia-Hercegovina, the President is authorized to transfer, subject to prior notification of the Committees on Appropriations, to the government of that nation, without reimbursement, defense articles from the stocks of the Department of Defense and defense services of the Department of Defense of an aggregate value not to exceed $50,000,000 in fiscal year 1996: *Provided,* That the President certifies in a timely fashion to the Congress that the transfer of such articles would assist that nation in self-defense and thereby promote the security and stability of the region.

(c) Within 60 days of any transfer under the authority provided in subsection (b), and every 60 days thereafter, the President shall report in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate concerning the articles transferred and the disposition thereof.

(d) There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for defense articles provided under this section.

RESTRICTIONS ON THE TERMINATION OF SANCTIONS AGAINST SERBIA AND MONTENEGRO

SEC. 540A. (a) RESTRICTIONS.—Notwithstanding any other provision of law, no sanction, prohibition, or requirement described in section 1511 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160), with respect to Serbia or Montenegro, may cease to be effective, unless—

(1) the President first submits to the Congress a certification described in subsection (b); and

(2) the requirements of section 1511 of that Act are met.

(b) CERTIFICATION.—A certification described in this subsection is a certification that—

(1) there is substantial progress toward—

(A) the realization of a separate identity for Kosova and the right of the people of Kosova to govern themselves; or

(B) the creation of an international protectorate for Kosova;

(2) there is substantial improvement in the human rights situation in Kosova;

(3) international human rights observers are allowed to return to Kosova; and

(4) the elected government of Kosova is permitted to meet and carry out its legitimate mandate as elected representatives of the people of Kosova.

(c) EXPANDED AUTHORITY.—Section 660(b) of the Foreign Assistance Act of 1961 is amended—

(1) in paragraph (3), by striking ''or'';

(2) in paragraph (4), by striking the period at the end thereof and inserting ''; or''; and

(3) adding the following new paragraph:

''(5) with respect to assistance, including training, relating to sanctions monitoring and enforcement.''.

SPECIAL AUTHORITIES

SEC. 541. (a) Funds appropriated in title II of this Act that are made available for [Haiti,] Afghanistan, Lebanon, and Cambodia, and for victims of war, displaced children, [displaced Burmese,] humanitarian assistance for Romania, and humanitarian assistance for the peoples of Bosnia-Hercegovina, Croatia, and Kosova, may be made available notwithstanding any other provision of law: *Provided,* That any such funds that are made available for Cambodia shall be subject to the provisions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985: *Provided further,* That the President shall terminate assistance to any country or organization that he determines is cooperating, [tactically or strategically, with the Khmer Rouge in their military operations] *tactically or strategically, with the Khmer Rouge in their military operations, or which is cooperating commercially with the Khmer Rouge.*

(b) Funds appropriated by this Act to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and energy programs aimed at reducing emissions of greenhouse gases, and for the purpose of supporting biodiversity conservation activities: *Provided,* That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) During fiscal year 1996, the President may use up to $40,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding the funding ceiling contained in subsection (a) of that section.

(d) The Agency for International Development may employ personal services contractors, notwithstanding any other provision of law, for the purpose of administering programs for the West Bank and Gaza.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 542. It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel; and

(2) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel as a confidence-building measure;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress on the specific steps being taken by the President to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ANTI-NARCOTICS ACTIVITIES

SEC. 543. (a) Of the funds appropriated [or otherwise made available by this Act for ''Economic Support Fund'',] *under the heading ''Economic Assistance'',* assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean in accordance with the provisions of section 534 of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act.

(b) Funds made available pursuant to this section may be made available notwithstanding the third sentence of section 534(e) of the Foreign Assistance Act of 1961. Funds made available pursuant to subsection (a) for Bolivia, Colombia and Peru may be made available notwithstanding section 534(c) and the second sentence of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

SEC. 544. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961: *Provided,* That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: *Provided further,* That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: *Provided further,* That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 1996, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under *titles I and II of* the Agricultural Trade Development and Assistance Act of 1954: *Provided,* That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that violate internationally recognized human rights.

EARMARKS

SEC. 544A. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991; however, before exercising the authority of this subsection with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS *AND EARMARKS*

SEC. 545. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs.

EXCESS DEFENSE ARTICLES

SEC. 546. (a) The authority of section 519 of the Foreign Assistance Act of 1961, as amended, may be used in fiscal year 1996 to provide nonlethal excess defense articles to countries for which United States foreign assistance has been requested and for which receipt of such articles was separately justified for the fiscal year, without regard to the restrictions in subsection (a) of section 519.

(b) The authority of section 516 of the Foreign Assistance Act of 1961, as amended, may be used in fiscal year 1996 to provide defense articles to Jordan[, except that the provision of such defense articles shall be subject to section 534 of this Act].

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 547. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of enactment of this Act by the Congress[: *Provided,* That none of the funds appropriated by this Act may be made available to carry out the provisions of section 316 of Public Law 96–533].

USE OF AMERICAN RESOURCES

SEC. 548. To the maximum extent possible, assistance provided under this Act should make full use of American resources, including commodities, products, and services.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 549. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

CONSULTING SERVICES

SEC. 550. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

SEC. 551. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 552. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after the date of enactment of this Act.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 553. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia by such country as of the date of enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the government of the District of Columbia.

(b) DEFINITION.—For purposes of this section, the term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 554. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 583(a) of the Middle East Peace Facilitation Act of 1994 (part E of title V of Public Law 103–236) or any other legislation to suspend

or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: *Provided,* That if the President fails to make the certification under section 583(b)(2) of the Middle East Peace Facilitation Act or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 555. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 1996 for programs under title [I] *IV* of this Act may be transferred between such appropriations for use for any of the purposes, programs and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: *Provided,* That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

WAR CRIMES TRIBUNALS

SEC. 556. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the authority of section 552(c) of the Foreign Assistance Act of 1961, as amended, may be used to provide up to $25,000,000 of commodities and services to the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided,* That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further,* That 60 days after the date of enactment of this Act, and every 180 days thereafter, the Secretary of State shall submit a report to the Committees on Appropriations describing the steps the United States Government is taking to collect information regarding allegations of genocide or other violations of international law in the former Yugoslavia and to furnish that information to the United Nations War Crimes Tribunal for the former Yugoslavia.

NONLETHAL EXCESS DEFENSE ARTICLES

SEC. 557. Notwithstanding section 519(f) of the Foreign Assistance Act of 1961, during fiscal year 1996, funds available to the Department of Defense may be expended for crating, packing, handling and transportation of nonlethal excess defense articles transferred under the authority of section 519 to countries eligible to participate in the Partnership for Peace and to receive assistance under Public Law 101–179.

LANDMINES

SEC. 558. Notwithstanding any other provision of law, demining equipment available to any department or agency and used in support of the clearing of landmines for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe*: Provided, That section 1365(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 22 U.S.C., 2778 note) is amended by striking out ''During the four-year period beginning on October 23, 1992'' and inserting in lieu thereof ''During the five-year period beginning on October 23, 1993''.*

[REPORT ON THE SALARIES AND BENEFITS OF THE IMF AND THE WORLD BANK

[SEC. 559. The Comptroller General shall submit a report to the Committees on Appropriations not later than November 1, 1995, on the following—

[(1) a review of the existing salaries and benefits of employees of the International Monetary Fund and the International Bank for Reconstruction and Development; and

[(2) a review of all benefits paid to dependents of Fund and Bank employees.

Such report shall include a comparison of the salaries and benefits paid to employees and dependents of the Fund and the Bank with salaries and benefits paid to employees holding comparable positions in the public and private sectors in member countries and in the international sector.]

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 560. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: *Provided,* That this [subsection] *restriction* shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: *Provided further,* That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 561. None of the funds appropriated or otherwise made available by this Act under the heading ''INTERNATIONAL MILITARY EDUCATION AND TRAINING'' or ''FOREIGN MILITARY FINANCING PROGRAM'' for Informational Program activities may be obligated or expended to pay for—

(1) alcoholic beverages;

(2) food (other than food provided at a military installation) not provided in conjunction with Informational Program trips where students do not stay at a military installation; or

(3) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events and amusement parks.

[LIMITATION ON ASSISTANCE TO COUNTRIES THAT RESTRICT THE TRANSPORT OR DELIVERY OF UNITED STATES HUMANITARIAN ASSISTANCE

[SEC. 562. (a) IN GENERAL.—None of the funds made available in this Act may be used for assistance in support of any country when it is made known to the President that the government of such country prohibits or otherwise restricts, directly or indirectly, the transport or delivery of United States humanitarian assistance.

[(b) EXCEPTION.—Subsection (a) shall not apply to assistance in support of any country when it is made known to the President that the assistance is in the national security interest of the United States.]

NON-OVERTIME DIFFERENTIAL PAY

SEC. 562. Title 5 of the United States Code is amended by inserting the following:

(1) in section 5541(2)(xiv) after a ''Foreign Service officer'' '', except for a Foreign Service Officer who is a criminal investigator for the Agency for International Development, Office of Inspector General''.

[REFERENCES TO AUTHORIZATION ACTS

[SEC. 563. The funds appropriated under the heading, ''Child Survival and Disease Programs Fund'' are provided pursuant to the Foreign Assistance Act, as amended: under sections 103 through 106 (Development Assistance Fund), in the amount of $214,000,000; under part I, chapter 10 (Development Fund for Africa), in the amount of $131,000,000; under the provisions of section 498(6) (Assistance for the New Independent States of the Former Soviet Union), in the amount of $15,000,000; under the provisions of part I, chapter 1, section 104(c) of the Foreign Assistance Act and the Support for East European Democracy (SEED) Act of 1989, in the amount of $1,000,000; under provisions of chapter 4, part II (Economic Support Fund), in the amount of $23,000,000; under the provisions of section 301, in the amount of $100,000,000 as a contribution on a grant basis to the United Nation's Children's Fund (UNICEF): *Provided,* That funds derived from funds authorized under chapter 4, part II, shall be made available for projects meeting criteria set forth in part I section 104(c): *Provided further,* That funds appropriated under the heading ''Child Survival and Disease Programs Fund'' shall be in addition to amounts otherwise available for such purposes.

[PROHIBITION ON FUNDING FOR ABORTION

[SEC. 564. (a) IN GENERAL.—

[(1) Notwithstanding any other provision of this Act or other law, none of the funds appropriated by this Act for population assistance activities may be made available for any private, nongovernmental, or multilateral organization until the organization certifies that it does not now, and will not during the period for which the funds are made available, directly or through a subcontractor or sub-grantee, perform abortions in any foreign country, except where the life of the mother would be endangered if the fetus were carried to term or in cases of forcible rape or incest.

[(2) Paragraph (1) may not be construed to apply to the treatment of injuries or illnesses caused by legal or illegal abortions or to assistance provided directly to the government of a country.

[(b) LOBBYING ACTIVITIES.—

[(1) Notwithstanding any other provision of this Act or other law, none of the funds appropriated by this Act for population assistance activities may be made available for any private, nongovernmental, or multilateral organization until the organization certifies that it does not now, and will not during the period for which the funds are made available, violate the laws of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited, or engage in any activity or effort to alter the laws or governmental policies of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited.

[(2) Paragraph (1) shall not apply to activities in opposition to coercive abortion or involuntary sterilization.

[(c) COERCIVE POPULATION CONTROL METHODS.—Notwithstanding any other provision of this Act or other law, none of the funds appropriated by this Act may be made available for the United Nations Population Fund (UNFPA), unless the President certifies to the appropriate congressional committees that (1) the United Nations Population Fund has terminated all activities in the People's Republic of China; or (2) during the 12 months preceding such certification, there have been no abortions as the result of coercion associated with the family planning

policies of the national government or other governmental entities within the People's Republic of China. As used in this section the term ''coercion'' includes physical duress or abuse, destruction or confiscation of property, loss of means of livelihood, or severe psychological pressure.]

WITHHOLDING OF ASSISTANCE TO COUNTRIES SUPPORTING NUCLEAR PLANT IN CUBA

SEC. 565. *(a) WITHHOLDING.*—The President shall withhold from assistance made available with funds appropriated or made available pursuant to this Act an amount equal to the sum of assistance and credits, if any, provided on or after the date of the enactment of this Act by that country, or any entity in that country, in support of the completion of the Cuban nuclear facility at Juragua, near Cienfuegos, Cuba.

(b) EXCEPTIONS.—The requirement of subsection (a) to withhold assistance shall not apply with respect to—

(1) assistance to meet urgent humanitarian needs, including disaster and refugee relief;

(2) democratic political reform and rule of law activities;

(3) the creation of private sector and nongovernmental organizations that are independent of government control;

(4) the development of a free market economic system; and

(5) assistance for the purposes described in the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160).

(c) DEFINITION.—As used in subsection (a), the term ''assistance'' means assistance under the Foreign Assistance Act of 1961, credits, sales and guarantees of extensions of credit under the Arms Export Control Act, assistance under titles I and III of the Agricultural Trade Development and Assistance Act of 1954, assistance under the FREEDOM Support Act of 1992, and any other program of assistance or credits provided by the United States to other countries under other provisions of law, except that the term ''assistance'' does not include humanitarian assistance, including disaster relief assistance.

[LIMITATION ON FUNDS FOR HAITI

[SEC. 566. Effective March 1, 1996, none of the funds appropriated in this Act may be made available to the Government of Haiti when it is made known to the President that such Government is controlled by a regime holding power through means other than the democratic elections scheduled for calendar year 1995 and held in substantial compliance with the requirements of the 1987 Constitution of Haiti.

[PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

[SEC. 567. SENSE OF CONGRESS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

[(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

[LIMITATION ON ASSISTANCE TO TURKEY

[SEC. 568. Not more than $21,000,000 of the funds appropriated in this Act under the heading ''ECONOMIC SUPPORT FUND'' may be made available to the Government of Turkey.

[LIMITATION OF FUNDS FOR NORTH AMERICAN DEVELOPMENT BANK

[SEC. 569. No funds appropriated in this Act, under the heading ''North American Development Bank'' may be obligated or expended unless it is made known to the Federal entity or official to which funds are appropriated under this Act that the Government of Mexico has contributed a share of the paid-in portion of the capital stock for fiscal year 1996 equivalent to that appropriated by the United States.]

LIMITATION ON FUNDS FOR BURMA

SEC. 570. None of the funds made available in this Act may be used for International Narcotics Control or Crop Substitution Assistance for the Government of Burma.

ASIAN DEVELOPMENT BANK

SEC. 570A. The Secretary of the Treasury may, to fulfill commitments of the United States, subscribe to and make payment for shares of the Asian Development Bank in connection with the fourth general capital increase of the Bank. The amount authorized to be appropriated for paid-in shares of the Bank is limited to $66,614,647; the amount authorized to be appropriated for payment for callable shares of the Bank is limited to $3,264,178,021. The amount to be paid in respect of each subscription is authorized to be appropriated without fiscal year limitation. Any subscription by the United States to the capital stock of the Bank shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 570B. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961; or

(2) credits extended or guarantees issued under the Arms Export Control Act.

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as ''Paris Club Agreed Minutes''.

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as ''IDA-only'' countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, fiscal years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading ''Debt Restructuring''.

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961.

[LIMITATION ON FUNDS FOR RUSSIA

[SEC. 571. Of the funds appropriated in this Act under the heading ''Assistance for the New Independent States of the Former Soviet Union'', not more than $195,000,000 may be made available for Russia.

[LIMITATION ON ASSISTANCE TO MEXICO

[SEC. 572. IN GENERAL.—None of the funds appropriated or otherwise made available by this Act may be obligated or expended for the Government of Mexico, except if it is made known to the Federal entity or official to which funds are appropriated under this Act that—

[(1) the Government of Mexico is taking actions to reduce the amount of illegal drugs entering the United States from Mexico, as determined by the Director of the Office of National Drug Control Policy; and

[(2) the Government of Mexico—

[(A) is taking effective actions to apply vigorously all law enforcement resources to investigate, track, capture, incarcerate, and prosecute illegal drug kingpins and their accomplices, individuals responsible for, or otherwise involved in, corruption, and individuals involved in money-laundering; and

[(B) is pursuing international anti-drug trafficking initiatives.

[HUMAN RIGHTS PROGRESS IN ETHIOPIA

[SEC. 573. The Department of State should closely monitor and take into account human rights progress in Ethiopia as it obligates fiscal year 1996 funds for Ethiopia appropriated in this Act.

[BASIC EDUCATION FOR CHILDREN

[Sec. 574. Not more than $108,000,000 under the Agency for International Development Children and Disease Programs Fund may be used for basic education for children.]

KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION

SEC. 575. No funds may be made available under this Act to the Korean Peninsula Energy Development Organization (KEDO) unless the President determines and certifies in writing to the Committees on Appropriations that—

(a) in accordance with Provision I of the Framework Agreement, KEDO has concluded a supply contract with the Democratic People's Republic of Korea (DPRK) designating a Republic of Korea company, corporation or entity the prime contractor to carry out construction of the light water reactors provided for in the Framework Agreement; and

(b) the DPRK has complied with the obligations of Provision III of the Framework Agreement regarding North-South dialogue including within three months after the enactment of this Act: (1) eliminating North-South barriers to trade and investment; (2) removing North-South restrictions on travel, telecommunications services and financial transactions; and (3) implementing the December 13, 1991, Nonaggression Pact and the January 1, 1992, Joint Declaration for a Non-Nuclear Korean Peninsula.

DRAWDOWN AUTHORITY FOR JORDAN

SEC. 576. During fiscal year 1996, the President may direct, for the purposes of part II of the Foreign Assistance Act of 1961, the drawdown for Jordan of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training of up to an aggregate of $100,000,000: Provided, That—

(a) within six months of the last drawdown under subsection (a), the President shall submit a report to the Committee on Appropriations identifying the articles, services, training or education provided;

(b) section 506(c) of the Foreign Assistance Act of 1961 shall apply to the drawdown authority in this section; and

(c) section 632(d) of the Foreign Assistance Act of 1961 shall not apply with respect to drawdowns under this section.

TITLE VI—MIDDLE EAST PEACE FACILITATION ACT OF 1995

SHORT TITLE

SEC. 601. This title may be cited as the ''Middle East Peace Facilitation Act of 1995''.

FINDINGS

SEC. 602. The Congress finds that—

(1) the Palestine Liberation Organization (hereafter the ''P.L.O.'') has recognized the State of Israel's right to exist in peace and security; accepted United Nations Security Council Resolutions 242 and 338; committed itself to the peace process and peaceful coexistence with Israel, free from violence and all other acts which endanger peace and stability; and assumed responsibility over all P.L.O. elements and personnel in order to assure their compliance, prevent violations, and discipline violators;

(2) Israel has recognized the P.L.O. as the representative of the Palestinian people;

(3) Israel and the P.L.O. signed a Declaration of Principles on Interim Self-Government Arrangements (hereafter the ''Declaration of Principles'') on September 13, 1993 at the White House;

(4) Israel and the P.L.O. signed an Agreement on the Gaza Strip and the Jericho Area (hereafter the ''Gaza-Jericho Agreement'') on May 4, 1994 which established a Palestinian Authority for the Gaza and Jericho areas;

(5) Israel and the P.L.O. signed an Agreement on Preparatory Transfer of Powers and Responsibilities (hereafter the ''Early Empowerment Agreement'') on August 29, 1994 which provided for the transfer to the Palestinian Authority of certain powers and responsibilities in the West Bank outside of the Jericho Area;

(6) under the terms of the Declaration of Principles, the Gaza-Jericho Agreement and the Early Empowerment Agreement, the powers and responsibilities of the Palestinian Authority are to be assumed by an elected Palestinian Council with jurisdiction in the West Bank and Gaza Strip in accordance with the Interim Agreement to be concluded between Israel and the P.L.O.;

(7) permanent status negotiations relating to the West Bank and Gaza Strip are scheduled to begin by May 1996;

(8) the Congress has, since the conclusion of the Declaration of Principles and the P.L.O.'s renunciation of terrorism, provided authorities to the President to suspend certain statutory restrictions relating to the P.L.O., subject to Presidential certifications that the P.L.O. has continued to abide by commitments made in and in connection with or resulting from the good faith implementation of, the Declaration of Principles;

(9) the P.L.O. commitments relevant to Presidential certifications have included commitments to renounce and condemn terrorism, to submit to the Palestinian National Council for formal approval the necessary changes to those articles of the Palestinian Covenant which call for Israel's destruction, and to prevent acts of terrorism and hostilities against Israel; and

(10) the President, in exercising the aforementioned authorities, has certified to the Congress on four occasions that the P.L.O. was abiding by its relevant commitments.

SENSE OF CONGRESS

SEC. 603. It is the sense of the Congress that although the P.L.O. has recently shown improvement in its efforts to fulfill its commitments, it must do far more to demonstrate an irrevocable denunciation of terrorism and ensure a peaceful settlement of the Middle East dispute, and in particular it must—

(1) submit to the Palestine National Council for formal approval the necessary changes to those articles of the Palestinian National Covenant which call for Israel's destruction;

(2) make greater efforts to pre-empt acts of terror, to discipline violators and to contribute to stemming the violence that has resulted in the deaths of 123 Israeli citizens since the signing of the Declaration of Principles;

(3) prohibit participation in its activities and in the Palestinian Authority and its successors by any groups or individuals which continue to promote and commit acts of terrorism;

(4) cease all anti-Israel rhetoric, which potentially undermines the peace process;

(5) confiscate all unlicensed weapons and restrict the issuance of licenses to those with legitimate need;

(6) transfer and cooperate in transfer proceedings relating to any person accused by Israel to acts of terrorism; and

(7) respect civil liberties, human rights and democratic norms.

AUTHORITY TO SUSPEND CERTAIN PROVISIONS

SEC. 604. (a) IN GENERAL.—Subject to subsection (b), beginning on the date of enactment of this Act and for eighteen months thereafter, the President may suspend for a period of not more than 6 months at a time any provision of law specified in subsection (d). Any such suspension shall cease to be effective after 6 months, or at such earlier date as the President may specify.

(b) CONDITIONS.—

(1) CONSULTATIONS.—Prior to each exercise of the authority provided in subsection (a) or certification pursuant to subsection (c), the President shall consult with the relevant congressional committees. The President may not exercise that authority or make such certification until 30 days after a written policy justification is submitted to the relevant congressional committees.

(2) PRESIDENTIAL CERTIFICATION.—The President may exercise the authority provided in subsection (a) only if the President certifies to the relevant congressional committees each time he exercises such authority that—

(A) it is in the national interest of the United States to exercise such authority;

(B) the P.L.O. continues to comply with all the commitments described in paragraph (4); and

(C) funds provided pursuant to the exercise of this authority and the authorities under section 583(a) of Public Law 103–236 and section 3(a) of Public Law 103–125 have been used for the purposes for which they were intended.

(3) REQUIREMENT FOR CONTINUING P.L.O. COMPLIANCE.—

(A) The President shall ensure that P.L.O. performance is continuously monitored and if the President at any time determines that the P.L.O. has not continued to comply with all the commitments described in paragraph (4), he shall so notify the relevant congressional committees and any suspension under subsection (a) of a provision of law specified in subsection (d) shall cease to be effective.

(B) Beginning six months after the date of enactment of this Act, if the President on the basis of the continuous monitoring of the P.L.O.'s performance determines that the P.L.O. is not complying with the requirements described in subsection (c), he shall so notify the relevant congressional committees and no assistance shall be provided pursuant to the exercise by the President of the authority provided by subsection (a) until such time as the President makes the certification provided for in subsection (c).

(4) P.L.O. COMMITMENTS DESCRIBED.—The commitments referred to in paragraphs (2) and (3)(A) are the commitments made by the P.L.O.—

(A) in its letter of September 9, 1993, to the Prime Minister of Israel; in its letter of September 9, 1993, to the Foreign Minister of Norway to—

(i) recognize the right of the State of Israel to exist in peace and security;

(ii) accept United Nations Security Council Resolutions 242 and 338;

(iii) renounce the use of terrorism and other acts of violence;

(iv) assume responsibility over all P.L.O. elements and personnel in order to assure their compliance, prevent violations and discipline violators;

(v) call upon the Palestinian people in the West Bank and Gaza Strip to take part in the steps leading to the normalization of life, rejecting violence and terrorism, and contributing to peace and stability; and

(vi) submit to the Palestine National Council for formal approval the necessary changes to the Palestnian National Covenant eliminating calls for Israel's destruction, and

(B) in, and resulting from, the good faith implementation of the Declaration of Principles, including good faith implementation of subsequent agreements with Israel, with particular attention to the objective of preventing terrorism, as reflected in the provisions of the Gaza-Jericho Agreement concerning—

(i) prevention of acts of terrorism and legal measures against terrorists;

(ii) abstention from and prevention of incitement, including hostile propaganda;

(iii) operation of armed forces other than the Palestinian Police;

(iv) possession, manufacture, sale, acquisition or importation of weapons;

(v) employment of police who have been convicted of serious crimes or have been found to be actively involved in terrorist activities subsequent to their employment;

(vi) transfers to Israel of individuals suspected of, charged with, or convicted of an offense that falls within Israeli criminal jurisdiction;

(vii) cooperation with the government of Israel in criminal matters, including cooperation in the conduct of investigations; and

(viii) exercise of powers and responsibilities under the agreement with due regard to internationally accepted norms and principles of human rights and the rule of law.

(5) POLICY JUSTIFICATION.—As part of the President's written policy justification to be submitted to the relevant Congressional Committees pursuant to paragraph (1), the President will report on—

(A) the manner in which the P.L.O. has complied with the commitments specified in paragraph (4), including responses to individual acts of terrorism and violence, actions to discipline perpetrators of terror and violence, and actions to preempt acts of terror and violence;

(B) the extent to which the P.L.O. has fulfilled the requirements specified in subsection (c);

(C) actions that the P.L.O. has taken with regard to the Arab League boycott of Israel;

(D) the status and activities of the P.L.O. office in the United States; and

(E) the status of U.S. and international assistance efforts in the areas subject to jurisdiction of the Palestinian Authority or its successors.

(c) REQUIREMENT FOR CONTINUED PROVISION OF ASSISTANCE.—Six months after the enactment of this Act, no assistance shall be provided pursuant to the exercise by the President of the authority provided by subsection (a), unless and until the President determines and so certifies to the Congress that—

(1) if the Palestinian Council has been elected and assumed its responsibilities, it has, within a reasonable time, effectively disavowed the articles of the Palestine National Covenant which call for Israel's destruction, unless the necessary changes to the Covenant have already been submitted to the Palestine National Council for formal approval;

(2) the P.L.O. has exercised its authority resolutely to establish the necessary enforcement institutions; including laws, police, and a judicial system, for apprehending, prosecuting, convicting, and imprisoning terrorists;

(3) the P.L.O. has limited participation in the Palestinian Authority and its successors to individuals and groups in accordance with the terms that may be agreed with Israel;

(4) the P.L.O. has not provided any financial or material assistance or training to any group, whether or not affiliated with the P.L.O., to carry out actions inconsistent with the Declaration of Principles, particularly acts of terrorism against Israel;

(5) the P.L.O. has cooperated in good faith with Israeli authorities in the preemption of acts

of terrorism and in the apprehension and trial of perpetrators of terrorist acts in Israel, territories controlled by Israel and all areas subject to jurisdiction of the Palestinian Authority and its successors; and

(6) the P.L.O. has exercised its authority resolutely to enact and implement laws requiring the disarming of civilians not specifically licensed to possess or carry weapons.

(d) PROVISIONS THAT MAY BE SUSPENDED.—The provisions that may be suspended under the authority of subsection (a) are the following:

(1) Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) as it applies with respect to the P.L.O. or entities associated with it.

(2) Section 114 of the Department of State Authorization Act, fiscal years 1984 and 1985 (22 U.S.C. 287e note) as it applies with respect to the P.L.O. or entities associated with it.

(3) Section 1003 of the Foreign Relations Authorization Act, fiscal years 1988 and 1989 (22 U.S.C. 5202).

(4) Section 37 of the Bretton Woods Agreement Act (22 U.S.C. 286W) as it applies on the granting to the P.L.O. of observer status or other official status at any meeting sponsored by or associated with the International Monetary Fund. As used in this paragraph, the term ''other official status'' does not include membership in the International Monetary Fund.

(e) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—As used in this title, the term ''relevant congressional committees'' means—

(1) the Committee on International Relations, the Committee on Banking and Financial Services, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

This Act may be cited as the ''Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996''.

Mr. MCCONNELL. Madam President, let me just say at the outset of our discussion on the foreign operations bill this year, it appears at least to this point, based on information we have prior to taking up the bill, that this may be the least contentious foreign operations bill we have had in recent years. Obviously, that could change as the floor debate unfolds, but I think there is certainly clear potential to finish up this bill either late tonight or tomorrow in accordance with what the Republican leader hopes which, of course, would give us a greater chance of being out of here for a week the week after next.

In 1964, Henry Kissinger commented:

To rely on the efficacy of diplomacy may lead to disaster but to rely on power with insufficient means is suicide.

Madam President, today we take up consideration of the appropriations bill for foreign operations, export financing, and related programs, a bill that provides the means to maintain our role as the sole remaining superpower. Despite Dr. Kissinger's caution, it is also the bill everyone loves to hate.

Foreign operations, like every other subcommittee, has struggled to apportion the substantial reductions in discretionary spending imposed by the budget resolution process. Obviously, this is not an easy task, and foreign assistance should obviously not be spared the responsibility of making a contribution to balancing the budget.

However, unlike other appropriations bills, foreign assistance has steadily declined over the past decade, at a time when both new threats and opportunities have emerged. To address these needs has been a challenge for, unlike other accounts, the administration of foreign assistance is the exclusive responsibility of the Federal Government. This is not something that can be handed off to the States through a block grant. In fact, I think it could safely be said that this is the diplomacy account, the nonmilitary way to engage with other countries around the world, and that is uniquely a responsibility of the Federal Government.

The bill unanimously reported by the Appropriations Committee reflects a $2 billion reduction and is more than 16 percent below the President's request. The administration asked for $14.7 billion and the bill provides $12.3 billion. That is $2.3 billion out of roughly a $1.5 trillion budget. We have tried to balance the distribution of the reduction as fairly and evenly as we possibly could while protecting and promoting priorities I think most of us share.

It is clear foreign aid must be better connected to American interests or we will lose all public support and risk complete elimination of resources. Accordingly, we have emphasized those programs which directly serve our economic, security, political, and humanitarian interests. These range from continuing to support the peaceful transition to free market democracies in Central Europe and the NIS to expanding our international effort to combat crime and narcotics trafficking.

Madam President, let me briefly summarize each of the titles of the bill to give everyone a sense of how aid can serve our interests.

Title I funds export promotion activities. These programs have a direct—I repeat direct—impact on creating jobs and expanding export opportunities. They enjoy bipartisan support as well as the endorsement of a wide range of commercial and manufacturing interests including labor unions, Fortune 500 companies, and small businesses.

It is no wonder since estimates provided from the private sector as well as the administration suggest that 300,000 jobs and 40 percent of our economic growth are linked to export activities.

The committee has provided $795 million to the Export-Import Bank, slightly over the House and last year's level, but well below the needs as reflected in the request.

We have fully funded the OPIC request. Credit reforms laws require the bill to indicate the amount of basic subsidy which funds OPIC activities. However, it is worth pointing out that while we subsidize OPIC, the corporation is completely self-sufficient. While we provide $79 million in subsidy, OPIC is expected to generate over $200 million this year which is returned to the Treasury.

The third agency involved in export promotion is the Trade Development Agency which is funded at the House level of $40 million, a sizable cut from the request of $67 million. TDA's principal responsibility is conducting feasibility studies and while important, there is not as immediate and direct an impact on jobs and exports as with the sister agencies.

One of the most important initiatives the subcommittee included in the treatment of economic assistance is the construction of title II. We have consolidated a number of development and economic accounts into a $2.1 billion account with very few earmarks. Traditional earmarks for the following programs have been eliminated: the Economic Support Fund, development assistance, the Development Fund for Africa, child survival, basic education, the Africa Development Foundation, the Inter-American Foundation, and the Ireland Fund.

I am not suggesting that these activities will not be funded. All the necessary statutory authorities to conduct these programs are preserved. But, the bill gives the President the flexibility to make the decision on the levels and the administration of programs.

My preference would have been to simply provide a sum for the President to allocate in accordance with emerging priorities. However, the ranking member, along with other members, expressed the concern that one account might bear the entire burden of the overall reduction.

To accommodate this concern, we have included language that requires a proportional distribution of the reduction. This means that accounts such as development assistance and the Development Fund for Africa will be smaller than last year, but they will each have approximately the same share of overall resources available this year as they have in the past.

Since this is not an absolute mathematical formula, some flexibility is maintained. And, so far, we have avoided the detailed micromanagement of specific activities which must be carried out within the broader accounts. We have avoided the inclination of past years to direct funding levels for community colleges, museums and other special interest projects.

Obviously, the Senate can decide to divide up the economic assistance account affording no flexibility at all to the President. I am not opposed to considering earmarks or recommendations on spending priorities, but I would urge each Member to carefully consider the impact of beginning to further carve up this small pie.

In addition to this broad category of economic aid, we have funded programs in the Middle East, Central Europe, and the NIS—regions I think most view as central to our security interests. We have fully funded the Camp David countries and included, once again, an earmark for resettling refugees in Israel.

The bill provides $335 million to support programs in Central Europe and $705 million for the New Independent States. Within the NIS account I have

earmarked the following: $17.1 million for the FBI for law enforcement training and investigations. With 5,000 organized criminal enterprises expanding their activities into nuclear smuggling and areas of operations to our shores, our security interests compel an active role for the FBI in the region.

Thirty million dollars is earmarked for Georgia, where democracy is truly under siege.

Eighty-five million dollars is earmarked for Armenia to mitigate the severity of the economic consequences of the war and the blockade. Armenia has carried out important political and economic reforms in the past year but continues to need assistance to complete the transition.

Another country that I have had a longstanding interest in, going back to the dissolution of the Soviet Union: $225 million is earmarked for Ukraine with subearmarks to address the urgent priorities of strengthening the private sector and developing energy self-sufficiency. Although the administration has come around to the view that Ukraine has a uniquely important role to play in regional stability, levels of aid and the kinds of activities AID have been willing to undertake lag far behind requirements.

The sum of $15 million is set aside for a Trans-caucasus Enterprise Fund, which will complete congressional plans to have each region benefit from this innovative aid approach.

The NIS section also preserves the option of transferring resources to the Peace Corps to sustain their very successful efforts. Overall, the Peace Corps is spared the 16 percent reduction imposed on other programs and is cut roughly 8.5 percent to $200 million.

I might say that the occupant of the chair is, of course, a former director of the Peace Corps and has been an aggressive advocate for the Peace Corps and its programs. He has certainly made his views known to me as I worked to put together the chairman's mark.

Although this is a popular program I cannot understand why we need 149 volunteers in the Dominican Republic. In Africa, we saw an 18 percent increase from 1994 to 1995, bringing the number of volunteers up to 2,442. Unfortunately, the days of expanding programs are over.

Title II also funds our international efforts to combat crime, terrorism and narcotics trafficking. As I mentioned earlier, I think these are issues which every American understands has a direct impact on our Nation's interests. In restoring public confidence that our aid serves our interests, the committee has increased support for these activities.

Finally title II provides $490 million in operating expenses for AID. Each committee which has reported legislation on AID has recommended different levels of support. My recommendation is based on a recent GAO study which indicated the House authorization and appropriations levels would not be adequate to cover the cost associated with RIF's, closing missions and other measures to streamline AID's programs.

According to the GAO, $490 million will require significant actions on AID's part to eliminate program duplication, close overseas missions, cut personnel and otherwise accelerate streamlining and consolidation. But, let me be clear. This level will not compel consolidation.

Although I have supported the two attempts to pass legislation to carry out consolidation of AID and the State Department, the Administration has indicated it will veto any legislation which forces the reorganization of the executive branch without its consent. Given this unresolved situation, it did not seem appropriate for the Foreign Operations Subcommittee to move ahead of the authorization committee and include in a spending bill reorganization or activities not directed by law in legislation.

The rest of the news about the bill is bleak. Title III, security assistance is below the House level and the request. I think this is unfortunate, but a direct function of the budget reality.

Title III does provide authority to transfer funds from the European and NIS accounts to support the Warsaw Initiative. I think there is strong bipartisan support for accelerating the integration of former Warsaw Pact members into NATO through joint exercises and training and improving military interoperability. The transfer authority provided should relieve some of the pressure on the security assistance account.

Finally, title IV, the multilateral programs, are the hardest hit of all accounts. With three exceptions, the World Bank, International Finance Corporation, and the Inter-American Development Bank, we have not been able to fund existing commitments. Just one example tells the story. The request for IDA is $1.3 billion of which we only funded $775 million.

International organizations and programs were also drastically reduced from the request of $425 million to $260 million. Frankly, this is an account which has as many strong supporters as it does vocal detractors. There are some clear examples of international agencies which have effectively served international interests, such as the International Atomic Energy Agency. But, there are just as many with sloppy management, guilty of waste, fraud, and abuses. The committee has not earmarked levels of support for programs within IO and P with the view that contributions will offer the administration the opportunity to leverage management reforms. No agency is exempt from the urgency of reform and I include one of our collective favorites, UNICEF, in that category.

Let me now turn to Senator LEAHY for his comments. I would like to point out that the report takes note of the ranking member's dedicated service to victims of landmines by establishing the Patrick J. Leahy War Victims Fund. This was a program established several years ago to aid the recovery and rehabilitation of the thousands of people injured by antipersonnel mines. Senator LEAHY deserves special recognition for his effort in this area which the committee acknowledged by renaming the program in his honor.

Let me also say it has been a pleasure to work with my colleague from Vermont. Before I turn to him, let me mention one other item.

I think, Mr. President, Members of the Senate would be interested that earlier today the Central and East European Coalition held a press conference urging quick passage of this legislation. This coalition, comprising 18 grassroots organizations representing 22 million Americans, strongly support this legislation.

I want to emphasize that because I think it is frequently thought by many that nobody in America gives a hoot about foreign assistance. In fact, there are many Americans who came from somewhere else, or their ancestors did, who care deeply about this part of the Federal budget.

The Central and Eastern European Coalition represents 18 of those groups. They are very active in promoting better relations, strengthened relations between the United States and the various countries from which they come.

Mr. President, before turning the floor over to Senator LEAHY for his opening comments, I ask unanimous consent that the statements of the coalition be printed in the RECORD at this point and I yield the floor.

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

COALITION URGES GREATER U.S. FOCUS ON CENTRAL AND EAST EUROPE

(Statement by Eugene Iwanciw, Washington Office Director; Ukrainian Association, Inc.)

The Central and East European Coalition (CEEC), comprising 18 national grassroots organizations representing 22 million Americans who trace their heritage to that part of the world, applauds Chairman Mitch McConnell (R-KY) for his leadership in drafting a foreign assistance bill which provides much needed support for the countries of Central and East Europe. We are particularly pleased that the Senator and the Committee have focused additional attention on the non-Russian nations of the former Soviet Union, particularly Ukraine and Armenia.

The Coalition strongly believes that the long-term national security and budget interests of the United States require a strong commitment to the transition of Central and East European countries to fully democratic and free market nations. That commitment requires an active U.S. engagement in that part of the world.

The Central and East European Coalition believes that peace, stability, and democracy throughout Europe serve the national security interests of the United States. In this century, the United States was called upon to fight two world wars and a 45-year cold war—conflicts which emanated from the heart of Europe—in the furtherance of those vital geopolitical interests. The institutionalization of democracy and market

economies in Central and East Europe is the best means of guaranteeing that there will be no further European conflicts which will entangle the United States. We believe that with the collapse of communism and the Soviet Union, the objectives of peace, stability, and democracy in Europe are achievable. For those objectives to be achieved, however, requires the continued engagement, support, and assistance of the United States and the West.

Since the signing of the Camp David Accords, the United States has wisely supported the peace process in the Middle East. That long-term commitment is now paying dividends with increased stability throughout that region of the world. Similarly, the strengthening of democracy and market economies in the countries of Central and East Europe will require a long-term commitment by the United States. Forty-five to seventy-five years of communist oppression and tyranny cannot be eradicated overnight.

Continued United States engagement in Central and East Europe must take various forms. The most visible is our foreign assistance. While we had hoped that the Administration's overall funding levels would be accepted by the Congress, we were particularly distressed by the severe cuts that House of Representatives made in the programs for Central and East Europe, particularly in the Freedom Support Act (FSA). We commend the Senate Subcommittee on Foreign Operations, under Chairman McConnell's leadership, for restoring many of those cuts and we urge the Senate to adopt the levels of funding for FSA and SEED contained in the bill as reported from the Appropriations Committee. We especially applaud the attention which Senator McConnell and the Committee have given to the non-Russian nations considered part of the New Independent States (NIS). For the past three years, the bulk of assistance to the NIS went to Russia. This bill provides U.S. policy with the balance it should have in our dealings with the nations of Central and East Europe.

Secondly, our engagement demands involvement in the security issues of the region. We believe that the general stability and security of the region can best be accomplished through the expansion of NATO to include all the nations of the region who desire to join the alliance and meet the criteria for membership. For that reason, we strongly support the funding for the Warsaw Initiative and the NATO Participation amendment which Senator Hank Brown (R–CO) will offer during floor consideration of the Foreign Assistance Appropriations Act.

Thirdly, we believe that the U.S. assistance should focus on those countries which have demonstrated progress in the establishment of democratic institutions and market reforms as well as respect for basic human rights. That criteria must also include a commitment not to hinder international humanitarian relief efforts. For that reason, we endorse the Humanitarian Corridor Act which Senate Majority Leader Robert Dole (R–KS) will offer as an amendment to the Appropriations Act during Senate floor consideration. This amendment would suspend assistance to any country which hinders U.S. humanitarian relief efforts to a third country.

Fourthly, as U.S. assistance to this important part of the world is unfortunately reduced, it is vital that the U.S. Agency for International Development (USAID) maximize the impact of every dollar of assistance. For far too long we have heard about waste, inefficiencies, and fraud in these programs. It is time to take the Beltway Bandits off the public dole and to work through organizations with both an understanding of the region and a demonstrated, long-term commitment to the establishment of democratic and free market institutions in the countries of Central and East Europe. In the six years since the Berlin Wall came down, USAID has been unable to institute these reforms so we call upon the Congress to take the initiative in reforming the delivery of U.S. foreign assistance.

Finally, an aspect of our engagement in Central and East Europe involves the flow of information and ideas to the peoples of Central and East Europe. For five decades, the United States has provided the peoples of this region with timely and accurate information through the Voice of America (VOA) and Radio Free Europe/Radio Liberty (RFE/RL). These programs are as vital today as they were during the communist period. Democracy is still in its infancy in most, if not all, of the nations of Central and East Europe. Few, if any, of these countries have a firmly-established independent media, particularly electronic media. Today, VOA and RFE/RL are playing critical roles in the establishment of democracy throughout the region. Last year the Congress enacted legislation which brings better coordination to the work of the two broadcasting services. This has resulted in substantial savings in the FY 1996 budget. It would, however, be a major mistake to reduce the budget of the broadcasting services below the levels currently in the Commerce, Justice, State, and Judiciary Appropriations Act and the Coalition strongly opposes any such effort.

The United States spent hundreds of billions of dollars to win the Cold War. It would be tragic were the United States to lose the peace through short-sighted policies and illusionary budgetary savings. An investment in democracy building today will pay dividends through long-term security and reduced military expenditures for the United States.

In conclusion, the Central and East European Coalition urges the Senate to approve the Foreign Assistance Appropriations Act with the Committee approved spending levels for FSA and SEED, to adopt the NATO Participation and Humanitarian Corridors amendments, to oppose any efforts to reduce funding for VOA and RFE/RL in the Commerce-Justice Appropriations Act, and to begin reforming USAID to insure that our foreign assistance is used effectively and efficiently. We especially urge the House conferees to accept these provisions during the House-Senate conference on the bills.

COALITION URGES RAPID EXPANSION OF NATO

(Statement by Frank Koszorus, Jr., Member of the Executive Committee; Hungarian American Coalition)

The Central and East European Coalition applauds the leadership of Senator Hank Brown (R-Col.) who, along with strong bipartisan support, will offer the NATO Participation amendment to the Foreign Assistance Appropriations Act. Senator Brown's Amendment will establish a process to facilitate the expansion of NATO in a manner that will advance vital U.S. geopolitical interests in Europe and preserve its leadership role in the world.

The Coalition is concerned with the glacial pace of NATO's expansion. The collapse of the Soviet Union has left a dangerous security vacuum in Central and Eastern Europe. That region must be rapidly reintegrated with the West to provide it with a sense of security and to shore up the new democracies. Rapid expansion of NATO to include countries which are committed to the concepts of democracy, market economies, civilian control of the military and human and minority rights would serve this objective as well as the foreign policy interests of the United States by ensuring Europe's overall stability.

The United States cannot afford to turn its attention away from the Central and Eastern European countries. Success in their transition to pluralism and democracy will validate the many sacrifices we made to win the Cold War. Failure will ensure a new world order far less congenial to our interests.

The adverse consequences of our withdrawal from Europe at critical times in the past fill history books. Had we reacted firmly to the turmoil threatening peace in Europe prior to the First and Second World Wars, many American lives and resources would have been spared. Similarly, the Cold War would have been far less expensive and dangerous had we not pulled back from the heart of Europe and had we resisted domestic pressure to ''bring the boys home'' before the European political order had been settled. As George F. Kennan wrote in 1950, ''history does not forgive us our national mistakes because they are explicable in terms of domestic policies.''

Today, we must not permit Central and East Europe to languish in a security vacuum. Russian interests are not threatened by the expansion of a defensive alliance. Moreover, stability and economic growth on the Western borders of Russia can only benefit Moscow.

Russia should not be isolated and mechanisms, such as a treaty between NATO and Russia, would dispel any lingering concerns Moscow may entertain about an enlarged NATO. Russia, however, should under no circumstances be permitted to veto NATO's enlargement. Western appeasement and indecisiveness will encourage Russian nationalists to assert expansionist tendencies and cause the U.S. and the West to lose credibility. Russia itself is in a fluid state with voices of nascent imperialism being heard with greater frequency. Yeltsin's harsh outburst in Budapest last year and his even more disquieting threats following NATO's bombing missions in Bosnia, vividly demonstrate the perils of procrastination.

Continued Western hesitation in expanding NATO would redraw the lines imposed by Stalin and signal Russian imperialists that they, in fact, enjoy a ''sphere of influence'' in Central and Eastern Europe. This ill-advised policy would be contrary to U.S. geopolitical interests in a stable, secure, unified, and democratic Europe.

Having won the Cold War, the United States should not prematurely retreat from the challenges posed by Central and Eastern Europe, if only to avoid being drawn back into exacerbated controversies. Expansion of NATO to include countries which desire to join the alliance and meet the criteria of NATO membership is an inexpensive yet vital insurance policy for the United States.

Senator Brown's amendment is a welcome first step in this direction. It must be followed by concrete steps, eligibility lists, criteria, and unambiguous timetables in 1996. As we approach the 21st Century, we simply cannot afford to squander a historic opportunity to safeguard peace and democracy.

COALITION URGES SENATE PASSAGE OF THE HUMANITARIAN AID CORRIDOR ACT

(Statement by Timothy Jemal, Director of Congressional Relations, Armenian Assembly of America)

First, we want to compliment Chairman McConnell for his leadership in drafting a bill that gives prominent support to the states of Central and Eastern Europe. We are particularly pleased that Senator McConnell and the committee are strengthening U.S. support for the non-Russian New Independent States (NIS), in spite of an overall reduction in funding. This redirection in resources

will make a tangible and permanent contribution to the bold reforms taking place in such countries as Armenia and Ukraine. In spite of this overall shift, U.S. aid to the states of Central and Eastern Europe continues to be reduced, requiring maximum efficiency in the use of U.S. foreign assistance. It is this objective that is embraced in legislation supported by our Coalition and rapidly moving towards enactment.

Senate Majority Leader Bob Dole (R–KS), Senator Paul Simon (D–IL), along with a bipartisan group of Senators including Chairman McConnell, will offer the humanitarian Aid Corridor Act (S. 230) on the Senate floor as a amendment to the Foreign Operations Appropriations bill (H.R. 1868). The 18 member organizations of the Central and East European Coalition strongly urge the Senate to take quick, decisive action—in support of the Dole/Simon amendment. This legislation espouses the fundamental principle that the United States should not provide assistance to any country which deliberately prevents the transport of American humanitarian assistance through its borders. The U.S. cannot expect to meet the need for budget austerity and achieve important foreign policy goals without the cooperation of our allies.

The relevant committees in the Senate and the House have fully debated the bill and expressed clear, bipartisan support. On May 12, the House International Relations Committee approved the Corridor Act by a 27–7 vote. On June 7, the same bill was again approved by the Senate Foreign Relations Committee in a convincing 14–4 vote. To illustrate the genuine bipartisan nature of the bill, it was California Senator Dianne Feinstein who successfully offered Senator Dole's bill as an amendment before the Foreign Relations Committee. In addition, the Democrats on the Foreign Relations Committee voted unanimously for the Corridor Act. For the third time, the provision was approved by the House Foreign Operations Subcommittee on June 8, and retained in H.R. 1868 when it passed the House by a 333–89 vote.

Currently, the countries of Central and Eastern Europe are undergoing radical political and economic reforms to institutionalize democracy and free markets. The success of these reform programs will bring peace, security and stability to the region. The Coalition will continue to work toward securing the integration of our ancestral homelands into the western political, economic and defense structures. We oppose any obstacle or impediment to furthering this integration process and especially deplore the use of inhumane methods to prevent any nation of Central and Eastern Europe from having access to U.S. humanitarian aid. It simply does not make sense that the United States should provide aid to one nation which in turn denies U.S. humanitarian assistance to another state. We are firmly united in our view that U.S. assistance should be delivered in the most humane, cost-effective, fiscally responsible manner. This cannot be achieved when borders are closed to thwart U.S. assistance to people in need.

Senator Dole's amendment does not single out or exempt any country. All recipients of U.S. assistance will be held to the same standard, including such countries as Turkey, which has imposed an illegal and immoral blockade on Armenia since April of 1993. This blockade has resulted in slowing delivery of U.S. aid shipments while skyrocketing the transportation costs. Most importantly, the blockade has often precluded the safe delivery of vitally needed U.S. humanitarian assistance.

The Coalition believes that it is unconscionable for any recipient of U.S. aid to use the denial of food, medicines and other essential humanitarian needs as a political weapon. The United States should demand that its allies maintain a simple, humane policy that allows U.S. assistance to flow through open corridors. As taxpayers, we are rightfully indignant that the U.S. government would provide hundreds of millions of dollars to a country denying aid to suffering people. There is no more cruel and cynical policy than a government directive to block humanitarian assistance to the most vulnerable people for political or strategic ends. That any recipient of U.S. aid would do so is unacceptable to this Coalition.

We applaud Senators Dole and Simon for their leadership on this issue. The amendment is truly bipartisan, and a necessary element in strengthening American credibility abroad.

COALITION URGES REFORM OF U.S.A.I.D.

(Statement by Avo E. Ora, Director of Public Relations, Joint Baltic American National Committee)

Today, the Central and East European Coalition is united not only in our support for increasing foreign aid funding, we are also united in our demands for the effective use of these resources. Increased funding will not advance our national security interests nor Central and East European development if the funds continue to be wasted on short-term, less-than-efficient programs.

The end of the Cold War provided the US with the opportunity to reshape Europe as the Marshall plan reshaped war-ravaged Europe in 1947. America's present policy goals are similar to the goals outlined under the plan—we seek to facilitate and secure democratic and economic gains in post-Soviet nations, resulting in a stable and secure Europe.

Unfortunately, the US Agency for International Development did not seize this opportunity and conducted business as usual. Grants have generally shifted from Central America to Central Europe but continued to be implemented by generic developmental, fee-for-service contractors who generally lack interest, knowledge and long-term commitment to the region. Although some long-term, goal-specific USAID programs were successfully implemented, they were more an exception than the norm. The result is a characterization of US assistance as wasteful by Congress, the targeted states, and most damaging of all, by the American people.

How can we increase the sustainable development and effectiveness of foreign aid? The answer lies in our recommendations for the use of Region Specific Organizations in aid implementation and a more open and accountable grant procedure. These suggestions evolved from our efforts to guarantee the efficient and wise use of US taxypayer dollars.

Our first recommendation is the use of organizations that have historic ties and long-term commitments to the countries of Central Europe and the New Independent States. These Region Specific Organizations, including many in our ethnic communities, have high standards of professionalism, an intimate knowledge of the political, economic and social conditions in a given country, and language capabilities which others lack.

Our second recommendation calls for the public disclosure of specific tasks, goals, and funding levels of USAID contracts, insuring an open and fair process for awarding contracts and grants, and simplifying the contracting process to facilitate smaller Region Specific organizations. Recently, USAID's lack of planning and commitment became apparent when USAID attempted to unilaterally reduce funding for Armenia in fiscal year 1996. In addition, USAID failed to submit a strategy paper for public comment. We strongly recommend that USAID country strategy papers be subject to comment by the NGO and PVO community.

The Coalition contrasts the wasteful, region-wide spending practices of USAID, with the country specific contracting processes of the National Endowment for Democracy and the US Information Agency which result in much greater, quicker and more effective assistance to these countries. Moreover, these smaller agencies which have had and will continue to have a long-term commitment to democracy and free market reform in the region, have contracting processes which are ''user friendly'' to RSO's, such as those represented by the coalition.

Aid for Central Europe and the New Independent States were designed to be temporary. This finite time frame for assistance only increases our desire for effective programs. Estonia is already slated for USAID ''graduation'' in 1996—other nations are on the chopping bloc for 1997. While we agree that US assistance should promote self-sufficiency and not dependency, this goal is not being pursued by government programs before or after ''graduation''. Estonia, for example, called for ''trade, not aid'' but now finds itself locked out of scientific and technical exchanges that would facilitate economic development.

The United States has long-term strategic interests and needs in the region of Central and East Europe. Thus, it is vitally important that all US assistance programs be designed and implemented in such a fashion as to further those strategic interests and needs. We echo the calls to reform foreign aid made by Chairman McConnell and his Committee. After three years of the Administration's failure to address these problems, the Coalition calls on Congress to take the lead in a top-to-bottom reform of USAID.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. LEAHY. I yield to the Senator from Arkansas who wishes to make a unanimous-consent request.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas.

HELEN MCLARTY

Mr. PRYOR. Mr. President, I would like my colleagues to know at this time that over the weekend the mother of our friend Mack McLarty, who is the former White House Chief of Staff and who is the special counsel to the President—Mack McLarty's mother, Helen McLarty, lost a long battle with cancer over the weekend. She was a wonderful woman, a great citizen of our State.

I had the privilege, when I was Governor of our State, of naming Helen McLarty to become the first female member of the Arkansas Industrial Development Commission. She served with honor and with distinction. She will be missed by all, and her legacy will last for a long time—remembering this wonderful woman of great spirit, from Hope, AR.

The services for Helen McLarty will be this afternoon at 2 o'clock in Hope, AR., at the First Presbyterian Church. I am honored to have been asked by the family to participate in those final services for Helen McLarty.

LEAVE OF ABSENCE

Mr. PRYOR. Therefore, pursuant to rule VI of the Senate, I ask unanimous consent that I might be excused from further business of the Senate on this day.

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

Mr. PRYOR. Mr. President, I thank the Chair and yield the floor.

I thank my very good friend, Senator LEAHY, from Vermont.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. LEAHY. Mr. President, I applaud the distinguished Senator from Arkansas for his comments about our good friend's mother. I know, also, the trip he takes to Arkansas is not one of joy. But we wish him Godspeed on his trip, and safe home.

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

The Senate continued with the consideration of the bill.

Mr. LEAHY. Mr. President, I compliment Senator MCCONNELL for the job he has done in putting this bill together. Having served for 6 years as chairman of the Foreign Operations Subcommittee, and maybe for a dozen or more years before that as a member of the committee, I know how difficult it is to put this bill together. He and I, and our staffs, have worked closely on this. I think we have the makings of a bill the President can sign.

We have a time, as we know, when many of our fellow Senators, both Republicans and Democrats, favor cutting foreign aid even further than it has already been cut in recent years. Senator MCCONNELL has defended the need for foreign aid to protect U.S. interests around the world. I joined him in that. But, despite efforts by both of us to obtain a higher budget allocation for foreign operations, foreign operations which, like defense, is uniquely the responsibility of a Federal Government, our budget has been slashed. Today we see the consequences.

This bill represents nearly a $1.2 billion cut below the fiscal 1995 level; a $2.4 billion cut below the President's fiscal year 1996 request.

Had I written this bill this year I might have done some things differently. But neither Senator MCCONNELL nor I could have avoided serious damage because the money simply is not there. We ought to stop, and think, as a country. If we continue down this path in a very few years the United States, which today is the only superpower in the world, will have no money to carry out foreign policy other than to fight wars. We do not have the kind of money to stop a problem from happening. Yet we can come in with billions after the problem occurs, to fight a war.

There is not going to be money for peacekeeping, none for supporting economic development in countries that hold great promise for American exports. The jobs that we create here in the United States, preparing items for exports—those exports are going more to the developing world than to the developed world. Our increase in exports is to the developing world but we are not going to have money to support economic development of those parts of the world.

We will end up abandoning the World Bank, the United Nations. Then we will stand back and watch Japan and our other allies fill the void. And they will, because they are anxious to do so, because they know the long-term economic and political benefits are enormous.

We would be terribly shortsighted now, at the end of the cold war, when the United States stands as the economic and military giant of the world, if we just gave away our preeminence by nickel and diming the programs that might sustain it.

I do want to mention a couple of provisions of the bill which I believe stand between us and the President's signature. I have heard from several Senators about these provisions, including the ranking member of the Appropriations Committee, Senator BYRD, who mentioned them at the committee markup.

One is the provision relating to Korea. I am sympathetic to the chairman's goals, but I am told by the administration as a practical matter this would prevent the United States from contributing to KEDO. If we want this bill to get signed, we are going to have to substantially modify this provision. I am told our staffs are already making progress on them.

Another is the provision which would cut off all aid to Russia if it proceeds to the sale of nuclear equipment to Iran. On the merits, I am in complete agreement with this. I think of Iran as a pariah nation fostering terrorism, showing complete disregard for human rights, and certainly unwilling to carry out its obligations as a member of the world community. But I also want to be sure that either here or in conference we modify this provision so we do not jeopardize a program very much in our national interest.

And, finally, I note that the subcommittee voted 8 to 5 for my amendment to strike restrictive House language on funding for international population programs. I have to assume there is going to be an amendment to restore that language here on the floor, but I emphasize this bill continues the prohibition of funding for abortion that we have had for years. It also prohibits the use of any United States funds in China. Further restrictions along the lines of what the House has proposed could invite a veto.

Now, this bill should not take a lot of the Senate's time unless people want to make debating points rather than policy points. We have already had an opportunity to debate the State Department authorization bill when many of the foreign policy issues were discussed. There is no reason to repeat that episode in this bill. I hope that we will dispose of any amendments and dispose of them quickly if amendments come up that basically just ask us to retrod the ground we have already walked on in this session.

As I said, I will put a longer statement in the RECORD, but I do want to say how much I appreciate the bipartisan way Senator MCCONNELL and his staff approached this process. I think it bodes well to get this on to the President's desk.

Mr. President, despite Senator MCCONNELL's and my best efforts, this bill poses major challenges for the United States as the world's only superpower. At a time when the global threats to our security are too numerous to mention, funding to combat those threats is increased in only one area, export assistance, and even there it falls short of the President's request.

In other areas it makes unprecedented cuts in programs that seek to fight poverty, promote economic growth, reduce population growth rates, stop the spread of infectious diseases, care for growing numbers of destitute refugees, combat ocean pollution, the destruction of biodiversity and other environmental degradation, deter the proliferation of conventional and nuclear weapons, and countless other problems that directly threaten every American.

Again, this is despite the considerable efforts Senator MCCONNELL and I have made to spread the pain that the cuts in our allocation required.

Let me mention some specific programs, and what we have done.

For the first time, the bill consolidates all development assistance and non-Middle East economic support funds. This means, for example, that the Development Fund for Africa no longer exists in this bill as a separate account, and neither does population. There are no longer separate appropriations for the Inter-American Foundation or the African Development Foundation.

Frankly, this concerns me. The Development Fund for Africa has existed for almost a decade, and a population account since 1967. The DFA was created, in large part, to protect this extraordinarily vulnerable, poorest region in the world, and it has served its purpose well. We need to be sure that whatever we end up with in conference adequately protects Africa in the future.

Having said that, in order to minimize the possibility that any of these accounts or programs are disproportionately hurt when cuts are made, at my request Senator MCCONNELL agreed to include a provision that requires that the cuts be made on a proportional basis, reflecting each program's current percentage of the fiscal year

1995 level of funding for these combined accounts. Therefore, if in fiscal year 1995 the Development Fund for Africa received 15 percent of the total appropriation for these combined accounts, then Africa will receive 15 percent of the total appropriation for these accounts in fiscal year 1996. Again, I know some people have concerns that we should preserve the DFA intact, and we will revisit this issue in conference.

I know the same is said of the population account, and there are strong desires in both the House and Senate to maintain current levels of funding for child survival and microenterprise lending programs. As a longtime supporter of these programs I completely sympathize, but people need to recognize that we cannot do everything we once did and at the same time cut $1.2 billion from this bill. I believe our first aim should be to ensure that each program is treated as fairly as possible when cuts are made.

I want to note my concern about two other aspects of the consolidation approach. First, I do not believe it is wise to include ESF in the new economic assistance account. Interestingly, neither the State Department nor AID is happy with this approach. The danger I see is that funds that have been traditionally used for development programs will be increasingly tapped for ESF-type activities. I think it is predictable that, particularly in emergency situations, the State Department's concern for addressing short-term political crises will take precedence over long-term development goals.

I am also concerned about the fate of the IAF and ADF. While I recognize that budget constraints force us to make difficult choices, I want to know what the practical effect will be of leaving it up to AID to channel fund to these organizations.

There is a somewhat similar proportionality provision with respect to the international organizations and programs account, which is cut severely in this bill from $374 million in fiscal year 1995 to $260 million in fiscal year 1996. The provision requires that funding for several named organizations shall not be reduced below their proportional share of the current level of funding for the IOP account. My strong hope is that in the conference we can increase funding for these programs so we can maintain our leadership in them, especially those that are headed by Americans.

The multilateral development banks were also cut deeply. Although our contributions to these institutions reflect pledges we made in the context of international negotiations, we have not lived up to those commitments. I am very concerned that this year we add hundreds of millions of dollars in arrears to the hundreds of millions of dollars in arrears we have already accumulated. My amendment in the subcommittee markup to add another $200 million for the International Development Association, $20 million for the Global Environment Facility, and $20 million for the Inter-American Development Bank's Fund for Special Operations, was accepted by Senator MCCONNELL. However, this still falls far short of our commitments to the first two of these institutions, which directly support U.S. economic and environmental interests.

I was disappointed that we were unable to provide a contribution to the North American Development Bank which will provide funding to address acute environmental problems along the Mexico-United States border. However, I am hopeful that some of the funding in this bill for the Multilateral Investment Fund, which has a large pipeline and at the current rate of disbursement is projected to have reserves in excess of $150 million by the end of fiscal year 1996, can be transferred to the NAD Bank.

I was disappointed that we were not able to match the House level for international disaster assistance, but I do want to credit Senator MCCONNELL for providing a modest increase above the current level. Nevertheless, I am informed that the House level is needed in order to avoid serious damage to the humanitarian program in northern Iraq, so this will be an issue for the conference.

Senator MCCONNELL has substantially increased funding for international narcotics programs. This is one area where I would have preferred the House level. I am not convinced that these programs are cost-effective, and there are too many other programs in this bill that desperately need these additional funds.

I want to mention several policy issues, besides the three I mentioned earlier, that concern me.

One is the conspicuous lack of any reference to Indonesia in this bill. This concerns me because of the continuing human rights problems in Indonesia and East Timor. The Congress had included restrictions on funding for Indonesia on human rights grounds in the past several years, and I do not believe the situation there warrants a relaxation of those restrictions.

Another policy issue that concerns me is assistance to Turkey. The House imposed a ceiling on ESF for Turkey, due to concerns about the Turkish Government's treatment of the Kurdish minority in that country. Despite my own concerns about the rights of the Kurds, I do not believe this is a wise approach. I believe we have a strong interest in supporting economic development in turkey, which is an important and valued member of NATO. However, I may offer an amendment which I believe would more directly address concerns about human rights and the situation facing the Kurds. I also included language in the committee report which requests the administration to submit a report on the efforts of the Turkish and United States Governments to monitor the use of United States-origin military equipment by the Turkish Armed Forces. Specifically, this report should address the use of U.S. military aircraft which, according to the State Department's own reports, has been used to strafe and destroy Kurdish villages. I and others want to know what efforts are being made to reduce the use of these aircraft against civilians or targets occupied by civilians.

Another provision I support is the prohibition on assistance to any government or organization which cooperates commercially with the Khmer Rouge. The reasons for this provision are discussed in the committee report, but very briefly, it was included on account of the considerable evidence that Thai military personnel are routinely engaged in facilitating the export from Cambodia of valuable timber by the Khmer Rouge. These sales have provided the Khmer Rouge with a steady source of income to continue their murderous campaign against the Cambodian Government and the Cambodian people. This provision is intended to encourage the Thai Government to take steps to deter this cooperation.

Several other provisions deserve mention. The bill includes an 18 month extension of the Middle East Peace Facilitation Act, which enables funding to continue for the Palestinians. It also includes authority requested by the administration for the drawdown of up to $100 million in military equipment for Jordan. As in the past, there are earmarks for the Camp David countries, as well as Cyprus.

Last but not least, I want to mention Ireland. For the past decade, the United States has generously contributed to the International Fund for Ireland. August 31 was the one year anniversary of the IRA ceasefire, and the House bill provides $19.6 million for the IFI. Although the Senate bill does not contain an earmark for the IFI, I believe it is very important that the Congress support this program during this pivotal year. While trade and investment will be the engine that propels the economies of Ireland and Northern Ireland, the IFI remains an important source of funding during this critical transition period.

Mr. President, again, there are aspects of this bill that I do not agree with. There are programs that I would prefer to see receive a larger portion of the funds. However, I believe that on the whole it reflects a reasonable balance between Senator MCCONNELL's and my priorities. Funding for foreign assistance has been falling since the mid-1980's and future budget projections do not bode well for these programs. The Congress needs to recognize that the reality is that this is not simply foreign assistance. The funds in this bill directly promote the interests of the American people. That becomes clearer the farther into the future one looks.

You know, Mr. President, there are a lot of things where we can disagree in

this country. There are a lot of political issues we can disagree on. But I hope that most Americans can be proud of the fact that we have created the strongest democracy that history has ever known and we should be proud of our position in the world. But we should also understand our responsibilities in the world. We are a quarter of a billion people. We are the largest economy in the world. But even though we are only a small percentage of the world's population, we use close to half of the world's resources.

We have great opportunities but great obligations. The opportunities are to foster the kind of democracy that the United States has known and to encourage countries that want to become democratic nations.

But we also have a certain humanitarian responsibility to the rest of the world. God has blessed this country with great resources and great advantages. But at the same time I think you can say there is a moral responsibility to help those less fortunate. It is not the idea of having some massive giveaways. We do not. Our foreign aid budget is less than 1 percent of our overall budget. Much of it reflects our own security interests. A lot of it is designed to create jobs for Americans and our export markets, and a tiny part reflects the humanitarian concerns of the greatest nation history has known. We may want to look at just how tiny that percentage is.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2707

(Purpose: To provide for the streamlining and consolidation of the foreign affairs agencies of the United States, including the abolition of at least two of the following agencies: the U.S. Arms Control and Disarmament Agency, the U.S. Information Agency, and the Agency for International Development)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for Mr. DOLE, for himself and Mr. HELMS, proposes an amendment numbered 2707.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. HELMS. Mr. President, this pending amendment will save the taxpayers of America $3 billion, if and when the Senate approves it.

This amendment will mandate the abolition of three outdated, anachronistic Federal agencies—the Arms Control and Disarmament Agency; the Agency for International Development, which is the foreign aid giveaway agency, Mr. President; and the U.S. Information Agency. Reorganization of U.S. foreign affairs institutions puts the interests of the American people first, for a change, and prepares the United States for the 21st century. The American people voted for a change last November, if my understanding of what the people wanted is anywhere on target. It is now the Senate's duty to follow through.

Before I proceed, I must acknowledge that I have never, in my nearly 23 years in the Senate, seen such furious lobbying by the executive branch, and by the State Department, to resist cutting spending and resisting reorganization. They have made all sorts of charges, none of which is true; they have circulated all sorts of threats. They may have almost intimidated some Senators, but I do not think it will last—certainly not in all cases. But we must proceed, so that the Senate can decide whether it will join the House of Representatives in saving the American taxpayers billions of dollars by discarding outmoded, anachronistic Federal agencies that ought not to exist anyway.

I will tell you one thing, Mr. President. There is nothing so near eternal life as ''temporary'' Federal agencies. They go on and on and on like Tennyson's brook, and they cost the American taxpayers billions of dollars.

Now, I confess a reservation about my own amendment, Mr. President, the reservation that my own amendment does not go far enough in changing the situation. It does, however, go a long way toward accomplishing the objectives that I laid out in Senate Bill 908, the Foreign Relations Revitalization Act.

Just as importantly, this amendment is consistent with legislation introduced months ago—on February 15, to be precise—a bill numbered S. 422, offered by the distinguished Senator from Kentucky [Mr. MCCONNELL]. Now, the McConnell proposal proposed to abolish the Agency for International Development—that foreign aid giveaway crowd—and transfer its function into the State Department. A similar provision is incorporated into the Foreign Relations Committee's bill, S. 908. American taxpayers would be saved millions of dollars by cutting AID's overextended operating costs.

On May 11, the distinguished Senator from Kentucky [Mr. MCCONNELL] appeared before the Foreign Relations Committee, of which I happen to be chairman, and he said at that time that his bill, S. 422, includes ''abolishing AID and consolidating the agency's functions under the Secretary of State * * *.''

He proceeded to say it would also ''move assistance programs into the State Department, reflecting my own view that the U.S. foreign aid must better serve the U.S. foreign policy interests. The connection between U.S. aid and U.S. interests has been lost with agencies acting wholly independent of our collective interests and good.''

That was Senator MCCONNELL on May 11 in his appearance before the Senate Foreign Relations Committee.

With all due respect, having praised Senator MCCONNELL, as I have on many occasions for his courage and his foresight, I must say that the pending legislation, H.R. 1868, is a far cry from what he said when S. 422 was offered this past February to the Senate and about which Senator MCCONNELL was speaking when he testified.

The pending amendment now at the desk will get us back on track by eliminating two of the three anachronistic, wornout Federal agencies. In fact, if Senator MCCONNELL would like to direct that AID—the Agency for International Development—be one of the two, I will be happy to accommodate him. I do not think he is going to want to do that because a great deal of pressure has been applied by certain Federal bureaucrats. They have confused the issue and muddied the water, and we may have to straighten out the situation by careful evaluation of the true facts of the situation involving all of this legislation.

The congressional budget levels mandate that Congress deflate bloated bureaucracies in the Federal Government by eliminating vast duplications and by eliminating incredible waste across the board. Every Member of this Senate knows that duplication and waste has been going on. It is going on right now, and it will continue to go on, unless we have the guts to do something about it.

The amendment pending at the desk meets the Budget Committee target levels for international affairs required to balance the Federal budget by the year 2002. The savings thereby generated do not derive from excessive cuts in international programs. The savings derive entirely from reductions in the sprawling foreign affairs bureaucracy.

Let me say this with all of the sincerity that I possess, Mr. President. If the Senate and the House of Representatives, composing this Congress, fail to seize this opportunity to consolidate, the American taxpayers will be stuck with a massive international affairs budget which feeds a huge, enormous bureaucracy.

So the Senate, it seems to me, has two choices: One, it can save intelligently through consolidation; or two, it can cannibalize Federal programs.

As I said earlier, there is nothing so close to eternal life as a temporary Federal agency. The idea of eliminating these worn out bureaucracies—that

were temporarily designated, and specified as temporary, when they were created—is just as old as the agencies themselves. During the past decades, at least 89 studies have been made on the subject of consolidating our foreign affairs institutions. These have been conducted by a series of administrations, Democrat and Republican. I think, as just one Senator, Mr. President, that we should stop talking and do something to benefit the American taxpayers.

In many respects, as I have said earlier, the pending amendment mirrors S. 908, the bill reported by the Senate Foreign Relations Committee. The State Department reorganization bill thus reported by the Foreign Relations Committee has been endorsed by five—count them, five—former Secretaries of State. Every one of them, without exception, supported the abolition of the Arms Control and Disarmament Agency, the Agency for International Development, and the U.S. Information Agency.

All five former Secretaries of State advocated publicly, in testimony, that all three agencies be eliminated and the money be saved. Now, the functions of these agencies will be transferred into the State Department, which in the process will be reorganized and revitalized.

I have to say that our good friend, Warren Christopher, the present Secretary of State, whom I respect and for whom I have affection, concluded that just such a plan makes sense. In November of last year, Secretary of State Christopher submitted to Vice President Gore a reorganization plan, the Christopher reorganization plan, a plan similar to our reorganization plan. But that plan, sad to say, lost out to the bureaucratic lobbyists in the administration—including the White House—who care more about protecting their fiefdoms than they do about streamlining the Federal Government for the post-cold-war world. Indeed, it is an irony, it seems to me, that Secretary Warren Christopher's reorganization proposal was rejected, rejected by the very same office that had been created with great fanfare—to do what? To reinvent Government. Some reinvention.

Let me say, Vice President GORE—and I liked him very much personally when he was a Senator and now as Vice President—but I feel obliged to mention the fact that AL GORE promised the American taxpayers that he would cut $5 billion out of the foreign affairs budget in the next 5 years while keeping the bureaucracy in place.

I wanted to see how he could do that. That promise reminded me of the fellow who applied for a job at a circus, saying he could jump off a 90-foot tower into a wet washcloth, which he did. The only problem, he broke his neck. You cannot cut down on the bureaucracy without cutting down on the bureaucracy.

In any case, our friend, AL GORE, Vice President of the United States, has not to this good day, this hour, submitted the first syllable of a plan for his proposal. Nothing. Zilch.

The Vice President has said simply that he has no plan. But he does have an opinion about others, including Secretary of State Christopher, who have tried their best to get this country embarked on the proposition that we have to cut down on the Federal bureaucracy. The State Department itself has not submitted even one syllable of a formal authorization request for fiscal year 1996, this fiscal year coming up.

Instead, what have we heard from the State Department? What have we heard from the Agency for International Development and others? We did have one pretty clear message which somebody slipped to us over the transom, a copy of an internal memorandum in which they outlined, Mr. President, exactly how they were going to oppose Senator HELMS in my effort to cut down on the Federal budget. They said the plan is to ''delay, postpone, obfuscate, derail'' the congressional debate on reorganization.

Now, Mr. President, I have consulted the highest levels of the administration on Foreign Relations Committee bill S. 908. In fact, inasmuch as the media has mentioned my visit with the President on August 11, I suppose it is common knowledge. I have never said publicly heretofore anything in detail about my meeting with President Clinton.

He was very gracious and generous with his time, and if I am able to read the expressions on anybody's face, I perceived that the President was much impressed at the detailed outline that was presented that afternoon.

In any case, the pending amendment provides enormous flexibility to the President. I think that is why Mr. Clinton appeared so receptive to proposals contained in S. 908 to consolidate those anachronistic foreign affairs bureaucracies.

The President understands that this is an issue about good government and about saving the American taxpayers billions of dollars.

It allows the executive branch even greater latitude than exists in current law. It requires the abolishment of only two or three outdated agencies. As a matter of fact, I am willing to settle for abolishing two of them—and I will let them decide which two. But let us do away with two of them, two out of the three.

This legislation, this amendment at the desk, does not—and I reiterate for emphasis—it does not legislate every position and office in the Department of State. But it does provide an organized framework for consolidation and it does provide necessary extraordinary authority for a smooth transition to a smaller, more efficient, far less expensive foreign affairs apparatus. As the President of the United States said on the afternoon of August 11, ''Who can be against that?'' ''Who can be against that?''

I am not implying, nor should anybody infer, that the President has endorsed any plan. I do not know. He said he was going to get back to me, but he never did. I suspect that he was subjected to some rather severe lobbying from within the official family, but I do not know that. But I do know that consolidation of U.S. foreign affairs and all of its institutions is obviously the right thing to do. It is a wise proposal on which unanimous agreement should result. We ought not to be here prepared to debate it. We should not be here quibbling over $23 million or whatever. We should be standing in a phalanx, and: Yes, sir, we are going to cut down the size of this Government and especially the foreign aid giveaway programs. Because, by doing so we can save the American taxpayers, as I said at the outset, billions—not millions—billions of dollars. And in the process we will be strengthening the hand of the Secretary of State in the conduct of U.S. foreign policy.

That is why five former Secretaries of State appeared before the Foreign Relations Committee and endorsed our proposal that emerged from the committee.

Abraham Lincoln said it well, I think. He said, ''The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise to the occasion. As our case is new,'' Mr. Lincoln said, ''so we must think anew and act anew.'' Abe Lincoln said so many smart things, but he did not say one that was any smarter than that one. I agree with it and I think 99 percent of the American people, at least those who are not on the Federal payroll, will agree with what Abraham Lincoln said.

The need for innovative thinking is not tomorrow, next week, next month or next year. It is now. It is time to shed ourselves of these archaic, burdensome, anachronistic institutions so that we may enter a turbulent 21st century—and it is going to be turbulent—so we can go into that century with a more effective State Department and a more coherent foreign policy and one that does not, as now is the case, bleed the American taxpayer white.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BROWN. Mr. President, I rise in strong support of the Helms amendment. I would like to make this point to Members. This is a controversial amendment. It does involve dramatic changes in the State Department and the way we organize that function. The choice we have is to spend $3 billion extra on overhead, or to save that money for real programs that help real people.

The fact is, America is in transition. We face tough competition from abroad. We face tough competition and problems in solving our own budget dilemma. That is going to be resolved in

a happy way, only if we set priorities and eliminate those things least efficient, least productive, least creative in Government and concentrate the limited resources we all recognize we have on those things most productive. In short, the choice we have is to spend $3 billion in foreign affairs that experts tell us we can save through reducing unnecessary overhead and salaries and inefficiencies, and transfer that money to programs that are vital, that are important.

Everyone concerned about Social Security ought to be in favor of this amendment because this frees up $3 billion that can be spent to save Social Security.

Everyone concerned about Medicare and Medicaid ought to be for this amendment because it frees up money that can be reserved and used for those programs.

It is not enough to pretend we have the resources for everything in the world. We do not. The distinguished Senator from North Carolina, through his innovations, has found us $3 billion that we can reprogram for much higher priorities. I hope, while this is a tough decision, while it involves change, while it involves sacrifice, it does involve changing our priorities to move away from overhead and offices and unneeded supervision and unneeded duplication to a program that transfers that money over to our most efficient, effective and helpful programs.

I believe that is the essence of what good Government is about on the national level, taking a look at our budget and making sure it is spent in the most logical, thoughtful, productive ways.

The fact is that Democrats and Republicans who served as Secretary of State, who have served in that office in supervisory capacities, have come before the committee and have testified this is a wise and efficient and productive and efficient thing to do. We ought to get on with it.

I yield the floor.

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

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

COMMITTEE AMENDMENT ON PAGE 15, LINE 17, THROUGH PAGE 16, LINE 24

Mr. BROWN. Mr. President, I ask unanimous consent the Helms amendment be temporarily set aside and that we proceed to consideration of a committee amendment beginning on page 15.

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

AMENDMENT NO. 2708 TO COMMITTEE AMENDMENT ON PAGE 15, LINE 17, THROUGH PAGE 16, LINE 24

(Purpose: To clarify restrictions on assistance to Pakistan and other purposes)

Mr. BROWN. Mr. President, I rise to offer an amendment to the committee amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] for himself, Mr. HARKIN, and Ms. MOSELEY-BRAUN proposes an amendment numbered 2708 to committee amendment on page 15, line 17, through page 16, line 24.

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

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

The amendment is as follows:

At the end of the committee amendment on page 15, line 17 through page 16, line 24, insert the following:

SEC. . CLARIFICATION OF RESTRICTIONS.

(a) IN GENERAL.—Section 620E of the Foreign Assistance Act of 1961 (22 U.S.C. 2375) is amended—

(1) in subsection (e)—

(A) by striking the words ''No assistance'' and inserting the words ''No military assistance'';

(B) by striking the words ''in which assistance is to be furnished or military equipment or technology'' and inserting the words ''in which military assistance is to be furnished or military equipment or technology''; and

(C) by striking the words ''the proposed United States assistance'' and inserting the words ''the proposed United States Military assistance''.

(D) by inserting ''(1)'' immediately after ''(e)''; and

(E) by adding the following new paragraph:

''(2) The prohibitions in this section do not apply to any assistance or transfer provided for the purposes of:

''(A) International narcotics control (including Chapter 8 of Part I of this Act) or any provision of law available for providing assistance for counternarcotics purposes;

''(B) Facilitating military-to-military contact, training (including Chapter 5 of Part II of this Act) and humanitarian and civic assistance projects;

''(C) Peacekeeping and other multilateral operations (including Chapter 6 of Part II of this Act relating to peacekeeping) or any provision of law available for providing assistance for peacekeeping purposes, except that lethal military equipment provided under this subparagraph shall be provided on a lease or loan basis only and shall be returned upon completion of the operation for which it was provided;

''(D) Antiterrorism assistance (including Chapter 8 of Part II of this Act relating to antiterrorism assistance) or any provision of law available for antiterrorism assistance purposes;

''(3) The restrictions of this subsection shall continue to apply to contracts for the delivery of F–16 aircraft to Pakistan.

''(4) Notwithstanding the restrictions contained in this subsection, military equipment, technology, or defense services, other than F–16 aircraft, may be transferred to Pakistan pursuant to contracts or cases entered into before October 1, 1990.''; and

(2) by adding at the end the following new subsections—

''(f) STORAGE COSTS.—The President may release the Government of Pakistan of its contractual obligation to pay the United States Government for the storage costs of items purchased prior to October 1, 1990, but not delivered by the United States Government pursuant to subsection (e) and may reimburse the Government of Pakistan for any such amounts paid, on such terms and conditions as the President may prescribe, provided that such payments have no budgetary impact.

''(g) INAPPLICABILITY OF RESTRICTIONS TO PREVIOUSLY OWNED ITEMS.—Section 620E(e) does not apply to broken, worn or unupgraded items or their equivalent which Pakistan paid for and took possession of prior to October 1, 1990 and which the Government of Pakistan sent to the United States for repair or upgrade. Such equipment or its equivalent may be returned to the Government of Pakistan provided that the President determines and so certifies to the appropriate congressional committees that such equipment or equivalent neither constitutes nor has received any significant qualitative upgrade since being transferred to the United States and that its total value does not exceed $25 million.''

''(h) BALLISTIC MISSILE SANCTIONS NOT AFFECTED.—Nothing contained herein shall affect sanctions for transfers of missile equipment or technology required under section 11B of the Export Administration Act of 1979 or section 73 of the Arms Export Control Act.''

Mr. BROWN. Mr. President, this amendment is an amendment that deals with the subject of Pakistan and the longstanding sale of military equipment to that country and our further domestic relations with that country. It is a compromise amendment. It has been considered on the floor prior to this, with extended debate.

I offer it in hopes that those who feel strongly—and I recognize there are Members who feel strongly on both sides—will not only have an additional opportunity to share their views with the Senate, but allow us an opportunity to proceed and dispose of the issue one way or another.

Mr. President, with this background, I might mention that much of this issue started back in 1979 which started with an event which shocked America and shocked the world. It started with the Soviet invasion of Afghanistan, Pakistan's neighbor to the north.

President Carter responded strongly to this, and violated his understanding and agreements with the Soviet Government. It spoiled a period that might have developed into détente under his leadership, and it particularly affected our relationships with Pakistan and to some extent India. It affected those relationships because Pakistan was the neighbor immediately south of Afghanistan and faced great danger. The Soviet Union had made direct threats against Pakistan for their assistance and cooperation with the United States prior to that and, again, the threat of further Soviet retaliation against Pakistan was highlighted when they invaded their neighbor to the north.

It also aggravated the disagreement between the Indians and Pakistanis. The Pakistanis strongly condemned

the invasion of Afghanistan but, tragically, the leader of India rose and in a speech supported and defended the Soviet invasion of Afghanistan. It further aggravated then strained relationships between India and Pakistan as well. It affected this country's relationship because the United States saw a need and an importance to work with Pakistan to thwart that Soviet occupation and subjugation of Afghanistan. It saw renewed and unique cooperation between our two countries. It resulted in a series of additional sales of military equipment to Pakistan as well.

Faced with the potential of the further Soviet activity on the northern border, we saw an interest in building up Pakistan's military strength. And, thus, in a period between 1986 and 1989, a series of sales of military equipment were made to Pakistan. Specifically, during that period, 1986 to 1989, we sold them a total of 60 aircraft, a total potentially then of 71, including 11 additional aircraft as part of the deal—a total of 71 aircraft that were considered. These were F–16 aircraft. It was not only a sale for United States industries, but it was a way to help strengthen and support Pakistan's military defense that they faced: the Russian invasion of Afghanistan on its northern border.

In addition, there were $368 million of other military equipment included in this sale. That equipment was a sale; that is, the Pakistanis paid for it with their own money. But what happened was, after that, two things occurred. First, finally the Soviets understood the folly of having invaded Afghanistan and began a withdrawal and began a settlement. Second, in 1990, the Pressler amendment kicked in. The Pressler amendment I think was well-intentioned, and it was designed to prevent nuclear proliferation. It was designed in a way, though, where it was country specific; that is, it applied to Pakistan but did not apply to India.

India had developed—or at least we believe they had developed—their own nuclear weapons. But—this is important—it did not violate the Pressler amendment because the Pressler amendment was not geared to the kind of activity India was involved in; that is, domestic development or primarily domestic development of their own weapons. But it did apply country specific to Pakistan. In other words, we established in the Pressler effort a rule that applied and was limited to Pakistan but not to India as it developed out.

So two things occurred. The Pressler amendment resulted in the noncertification of Pakistan under that amendment, and, according to the Pressler amendment, the sale of this equipment was cut off; that is, we were prevented by law from delivering it.

So here is the controversy in 1990. The United States has sold equipment to a good ally and a good friend, Pakistan, a total sale of 1.4 billion dollars' worth of equipment of which they have paid for and we have ordered the equipment to be built and are unable to give the equipment to Pakistan because of the Pressler amendment, and we are also unable to give them their money back. We are unable to give them their money back even though we cannot give the product because the Government has turned around and contracted for the production of the equipment.

So we are set in a controversy in 1990. We have the Pakistani money or the obligation. We are unable to deliver the equipment, and we are unable to give them their money back because we have already spent it for the equipment. Thus, for 5 years we have sat in a controversy with one of our best friends holding their money and their equipment and not willing to give either one of them, or not able to give either one of them, to them.

The next thing that happened was in 1993 when Pakistan was faced with the nondelivery, decided and agreed with the United States reluctantly to cut back their order of F–16 aircraft, which is by far the most controversial part of the package, from a total of 71, or the 60 they had purchased plus the 11, back to a total of 28. So the total has dropped from 71 back to 28. We are still faced, though, with the package of $1.4 billion in military equipment combined, which we have their money for and which we are unable to deliver.

Mr. President, I should point out also that there is a further problem here. Not only does this nondelivered, nonaccomplished contract aggravate our relations with Pakistan, but each year Pakistan has been charged with and is required to pay storage costs on the equipment they have paid for but which we refuse to deliver. It adds insult to injury to some extent.

In addition, the equipment each year of these last 5 years has become more and more obsolescent. Each year we fail to resolve this crisis, the equipment drops in value, the storage costs and maintenance costs continue on, and relations become more and more strained between our two countries. It is clearly in this Nation's interest to work out an arrangement to resolve this longstanding dispute.

Mr. President, I also think it is important for us to keep in mind what was behind the Pressler amendment; that is, a genuine and a sincere interest in stopping proliferation. So, in thinking about settling this dispute, it seems to me that we, as Americans, ought to be thinking about a couple of things. First, how do we resolve the dispute without sending the message that we are going to give up on stopping proliferation? Clearly, as we come out of this, we have to have in place something that is a discouragement for people from developing nuclear weapons.

So it is important I think that the solution come out. First, so that it is fair to both India, Pakistan, and the United States; and, second, so that there is still significant deterrence for people violating the structures, and the disincentives, against proliferation.

Mr. President, that is what this amendment is meant to do, a resolution of that longstanding controversy. What does it do?

The amendment is very clear, and for Members let me divide it into a couple of parts. First, simply a clarification of the Pressler amendment. That is, in the cutoff of certain relationships between the United States and Pakistan, we want to clarify some areas where we think it is in our interest to not have cutoff. What are they? For example, is it in the interest of the United States to cooperate with Pakistan in the suppression of terrorism?

I think most Members would think it is reasonable to say, of course, it is; that in cutting off relationships between the United States and Pakistan because of the Pressler amendment, one of the things we should not cut off is cooperation between our two countries with regard to suppressing terrorism. An example occurred earlier this year. Within Pakistan, we were able to apprehend, with the assistance of the Pakistani authorities, a suspected terrorist who was thought to be involved in the bombing within this country of the New York World Trade Center. We asked the Pakistanis to arrest him and extradite him to the United States.

Was that in our interest? Yes. Mr. President, incidentally, the Pakistanis did cooperate. Even though they faced pressure from Islamic fundamentalist countries that surround them, they arrested this suspected terrorist and they extradited him to the United States. I might mention that that kind of cooperation has not been seen by all countries in the world and Pakistan took particular risks in doing so. So I think it is in our interest to have an arrangement that allows us to cooperate with them in suppressing terrorism. I think it is also in our interest to have an arrangement that allows us to cooperate with them in suppressing drug traffic and arresting drug traffickers.

Why is it important to amend the Pressler amendment? The Pressler amendment—and it is not as clear as it might be—appears to cut off even assistance that, for example, would help them set up a lab, which is what we have done with a lot of countries, which would identify chemicals. So what we have done in a number of countries around the world is help them with technical expertise to identify what is cocaine, what is heroin, what these different chemicals and drugs are, and convict the people who are trafficking in them.

So the first part of the amendment is reasonably noncontroversial. It passed out of committee 16 to 2. What it says, in the so-called economic areas, we are going to clarify what Pressler means and we are going to allow cooperation in the areas of suppressing terrorism, counternarcotics control, peacekeeping, and multilateral nation building. I

think there are a lot of examples. We have gone to the Pakistanis in recent years and asked them to help by sending troops to Haiti, by sending troops to Somalia. We want to make it clear that there is cooperation allowed. In other words, if we provide transportation, for example, for their troops to go to Somalia to help us with a mission, we want to clarify the Pressler amendment to make it clear that is allowed.

So the first piece of it we believe is fairly noncontroversial. It is clarifying that the Pressler amendment in the economic areas does not cut off areas where I think most every American would think it is to our advantage to cooperate with Pakistan.

The second aspect should be fairly noncontroversial as well, and that is it makes it clear by law that we will not deliver the F–16 aircraft, exactly what the Pressler amendment allows right now or provides right now, and it indicates that the President is authorized to sell the planes and return what money of the Pakistanis that he can through a sale of those aircraft to other people.

Now, Mr. President, the only thing new in that is making it clear that he is authorized to sell them and return the money such as he can. It does not appropriate money for this purpose, and that is an important difference. We are not, as I hope we would eventually and I think is important, by this amendment returning the Pakistani money. We are authorizing the President to sell those aircraft and authorizing the return of the proceeds from what he sells, but it does not appropriate money. It merely authorizes a resolution of that.

So what we have done is left in place the major penalty for Pakistan in this. The aircraft, the F–16's, are clearly things that the Indians are most concerned about. They have indicated it is their top priority. They have indicated it is the thing that is most important to them, to see that they are not delivered in the way of equipment to the Pakistanis. The aircraft amount to almost three-fourths of the entire military package.

So the way it deals with the second area is it makes it clear that those aircraft, none of them are to be delivered to Pakistan, and if there is money derived from selling them, that can be returned to Pakistan.

Third, Mr. President, it does authorize the delivery of about a fourth of the package, and that fourth is other equipment that is described as insignificant.

We have held extensive hearings on this question. Every witness that we had—we had a large number of witnesses, experts from academia, military experts, and a variety of other experts from the administration—every expert that came in who talked about this other package—that is, about a fourth of the military sale—described to us that these were militarily insignificant packages. Both Democrat and Republican, both liberal and conservative, both academic and military experts, all of them came in and described this part of the package—and it is $368 million of military equipment that they have contracted and paid for—as militarily insignificant.

Now, some critics have said, ''Goodness, if you allow the delivery of this equipment that is 5 years old or older, it will upset the remainder of power between India and Pakistan.''

I am happy to respond to that if it is made in the Chamber, and I wish to be very clear about it because the experts we have asked, all of them have come in and said, First, it is militarily insignificant and, second, it will have no effect whatsoever on the remainder of power between India and Pakistan. India is clearly the dominant power. It is 2 to 1 over Pakistan in almost every military aspect and, of course, in population has an advantage much greater than that. So while that is a point of contention in this, it is a controversial piece of it I hope Members will put in place. First, the experts say it is not militarily significant and will do nothing to change the major balance of power between India and Pakistan, which is clearly in India's favor and continues in a very significant way to be in India's favor.

Mr. President, let me deal specifically with what the amendment does not do because I think that is important. It does not repeal the Pressler amendment. It leaves it in place. It leaves in place a cutoff of military sales to Pakistan. Even though they have been our ally, even though they have been our friend, they cannot look to us even in difficult circumstances to buy military equipment.

The military equipment that here is involved is a sale that is 8 or 9 years old and that they have paid for and for which we are unable to return their money. So what we are doing is not delivering three-fourths of the material and delivering a quarter of it. But it leaves in place the Pressler amendment and the cutoff of sanctions. Second, it does not create instability with India. It leaves them with a 2-to-1 advantage in military hardware. Third, it does not—and this is very important, I think—undermine the nonproliferation efforts of the United States. It leaves in place tough sanctions against Pakistan.

Some may feel this amendment does not go far enough, that we ought to reconsider those tough sanctions. But this amendment does not do that. I must say personally, Mr. President, I think it is very important for us to keep in mind that we have to have credibility in terms of our strong stand against proliferation. As some Members may note, I have been one who has been concerned about our negotiations and discussions with North Korea. I think we jeopardize the credibility of our nonproliferation effort by what we have done there. So I think it is important to note this amendment leaves in place tough sanctions.

Mr. President, I wish to suggest to Members that there are three things I hope they will keep in mind as they consider this amendment. No. 1, Members from my side of the aisle have been critical at times of the President in his conducting of foreign policy, but here is an example where the President faced a tough problem. He faced a tough problem because it deals with relationships with Pakistan and India. He faced a tough problem because for 5 years we have had this equipment and we have refused to either deliver it or give the Pakistanis their money back. Previous administrations had not been able to deal with this problem, as difficult as it was.

Mr. President, here is a situation where the President of the United States faced a tough foreign policy problem and found a solution. He negotiated for this Nation and he developed a good compromise. The compromise he developed did not deliver the F–16's, which were the most controversial piece of the package, and did deliver a portion of the package, about a fourth of it, that is not thought to be militarily significant.

He negotiated a strong compromise that while it does not satisfy everyone, it gets this problem behind it. No one, I think, can look at this problem and think it makes sense to delay further in trying to resolve it. Every day that passes the equipment gets older and of less value. Every day that passes, there is storage costs that impose a greater and greater burden on the parties involved.

The question Members have to ask themselves is this: If they fail to pass the President's compromise, what do they do to his negotiating position in foreign policy? I think it is very clear they undercut it. I think it is very clear what happens. If you fail to pass the President's compromise in this area, we send a message to the world that they cannot negotiate in good faith with the President of the United States, that we will not back him when he steps forward to settle difficult problems. I think we undercut his position and his credibility and his ability to negotiate on behalf of the United States in the future.

It would be a tragic mistake to take an area where the President has shown real leadership and real courage in solving a tough problem, and to undercut him.

Second, Mr. President, I think there is a very important thing we ought to consider as we look at this package, and that is how people around the world will respond to the United States when we come and ask for help, when we come and ask for cooperation. They will look at how we have treated Pakistan and they will make a decision of whether or not they want to be our friend and whether or not they want to work for us.

Mr. President, there is a simple guideline for this solution as to how Pakistan has responded. When we have needed help and we have gone to Pakistan and asked for help, the Pakistanis were there for us. Let me review the record quickly.

In 1950, when North Korea invaded South Korea, the United States went to Pakistan and asked for their help in the United Nations to vote against that invasion and to authorize U.N. forces to go to war to save freedom and democracy in South Korea. Pakistan said yes when we asked them for help.

In 1954, when we organized the Central Treaty Organization, CENTO—it was designed to stop the spread of communism around the world—we went to Pakistan even though they were in a vulnerable position, close to the Soviet Union, and we asked them to join this military alliance to protect freedom and democracy around the world. Pakistan said yes when we asked them to join.

In 1955, when we helped organize the Southeast Asian Treaty Organization, SEATO, and asked Pakistan to join that organization, Pakistan said yes, and stood shoulder to shoulder with us to stop the spread of Marxism and communism around the world.

In 1959, when we went to Pakistan and asked them to sign a mutual defense treaty, Pakistan once again said yes to the United States. In accordance with that defense treaty Pakistan allowed the United States to set up military air bases within Pakistan designed to perform reconnaissance flights over the Soviet Union.

Now, Mr. President, keep in mind what this was. We asked Pakistan to allow us to set up a base in their own country that would fly our spy planes, our reconnaissance planes, over the Soviet Union, providing vital military intelligence to the United States. Pakistan, close to the Soviet Union, was at great risk and great danger. And once again, even at their own risk, Pakistan said yes to the United States.

Francis Gary Powers, incidentally, was involved in one of those flights, which Americans will remember.

Incidentally Khrushchev himself threatened to wipe this airbase off the face of the Earth. Pakistan took an enormous risk by letting us on their territory, and said yes to helping us.

In 1970, when we wanted to open up relationships with China, Pakistan said yes to our request to allow Henry Kissinger to enter China through Pakistan, cooperating and setting up that relationship with China. Even though the Soviets were very upset by Pakistan, and in less than a year signed a friendship treaty with India partly in relationship to their anger, Pakistan went ahead and said yes to the United States offers for help.

Americans should note that it was within a year after that cooperation with the United States that resulted in a friendship treaty between the Soviet Union and India that India then felt free to send their troops into east Pakistan which saw the Pakistanis lose that war and lose a significant portion of their country.

From 1979 to 1989 the United States went to Pakistan and asked them to cooperate with us in and help us fight the Soviet invasion of Afghanistan through infiltration of military equipment and other devices. Once again Pakistan said yes to the United States even though they faced great danger.

In the gulf war against Iraq in 1990 we asked Pakistan to send troops. They did. They stood side by side and fought with us to repel the Iraqi invasion.

Since 1992 and 1993, Pakistan has been at the forefront of peacekeeping operations. We went to them and asked them to supply troops for Somalia, and they said yes. And we went to them and asked them to supply troops for the Haiti operation, and they said yes. And in 1995 we went to them and asked them to return a suspected terrorist, and they helped arrest him and return him to the United States, a terrorist who was involved in the World Trade Center bombing.

Mr. President, when we have asked Pakistan for help, they have been there. They have stood side by side for America with America. They have stood side by side with us in resisting Soviet aggression. They have stood side by side with us to stop and reverse the Russian invasion of Afghanistan. And, Mr. President, they stood side by side to help us stop or reverse terrorism around the world.

Now, Mr. President, they are asking us, asking us to treat them fairly with regard to this sale that started almost 9 years ago.

Mr. President, at this time I would like to ask that Senator HARKIN and Senator MOSELEY-BRAUN be added as cosponsors to this amendment.

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

Mr. BROWN. Finally, Mr. President, let me suggest this: The reason we ought to pass this amendment is not for Pakistan, although that ought to be a consideration, it is not for anyone else in the world except for the United States.

If there is one thing important to Americans, it is that our word be good, that our commitments be strong, that people place credibility in what America does. Is there anyone in this Chamber that is comfortable with us having taken the Pakistani money and refused either the equipment that we contracted for or their money back? I do not think so. Americans do not deal that way with people. We do not take their money on a contract and then refuse to deliver on the contract or refuse to return their money. We ought to adopt this amendment because of America and what we stand for and who we are, because our word is good, and our commitment is good, because we do not cheat people.

We ought to adopt this amendment because it is a fair compromise of a tough problem that treats people fairly and reasonably. Mr. President, I believe it would be wrong for us to both keep the money and the military equipment and to refuse to resolve that problem. And that stands as a cloud over the integrity of the United States.

Mr. President, I am proud of this country. I think we deal fairly with people. And I think we want people to know that. We ought to pass this amendment more than anything because it says a lot about the kind of people we are and the kind of integrity we have and the validity and the integrity of the word of the United States.

Mr. President, I yield the floor.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The PRESIDING OFFICER. Under the previous order, the clerk will report H.R. 1976.

The legislative clerk read as follows:

A bill (H.R. 1976) making appropriations for Agriculture, rural development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1996, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Feingold-McCain amendment No. 2697, to prohibit the use of appropriated funds for the special research grants program that are not subject to a competitive approval process.

Conrad amendment No. 2698, to provide that producers of a 1995 crop are not required to repay advance deficiency payments made for the crop if the producers have suffered a loss due to weather or related condition.

Bumpers amendment No. 2699, to reduce funding to carry out the market promotion program and to target assistance to small companies.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, under the order, there are 4 minutes equally divided on the Feingold amendment, the first amendment to be voted on.

In connection with the Conrad amendment, there has been a modification submitted. In connection with the Conrad amendment, I ask the following: I ask unanimous consent that following the first of the ordered votes, there be 6 minutes of debate for the Conrad amendment No. 2698, with 4 minutes under the control of Senator CONRAD and 2 minutes under the control of Senator COCHRAN.

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

AMENDMENT NO. 2697

The PRESIDING OFFICER. Under the previous order, the pending question is amendment No. 2697, offered by the Senator from Wisconsin [Mr. FEINGOLD]. As indicated, debate on this amendment is limited to 4 minutes equally divided in the usual form.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, my amendment does not cut a dime from the Special Research Grants Program. I want to make that absolutely clear. It just subjects the proposals for funding under this program to new scientific peer review and competition.

Second, this amendment does not negate the committee's recommendations in the report. It just ensures that those recommendations, if they are funded, have to pass a competitive test to be sure they are merited.

Third, this amendment replaces the political competition for these research dollars, which I think is inappropriate for an ever-shrinking agriculture research budget, and what it replaces it with is science-based competition.

Currently, the defining criteria for which institutions are awarded research grants I am afraid is which Members have the most political muscle to get their projects approved by the committee, and I think that is wrong. I think it is unfair to U.S. farmers for Members of the Senate and the House to be spendthrift with these limited research dollars which continue to shrink each year.

Last night, my colleague, the senior Senator from Mississippi, said my amendment would delegate this authority to a ''fancy group of scientists on peer review panels.'' Under our peer review, $50 million is done by peer review, rather than $100 million, which is already done by peer review. Why the difference?

I think it is appropriate to a have peer review panel. I think there still will be an opportunity for committee members to identify projects they believe in and to put them in the committee report, but they would have to go through, also, a peer review, and I am sure most of them would do well on this basis.

The point here is, if my amendment is adopted, the projects would have to be approved on their merit. We would replace a political competition with a fair competition.

Mr. President, I think it is irresponsible of Congress to continue funding these projects based on politics rather than merit. I would say that the scientists that are experts in their field are far better qualified to determine which projects are sound and which are not than are the Members of Congress.

So I urge my colleagues to support this item which I think is not only reform in the agriculture area but a reform in our entire budgeting process. I thank the Chair.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, let me say in response, last night we debated this fully. We had the opportunity to talk about all the different kinds of agricultural research—applied research, basic research, research that is targeted to specific problems of a region or a State. There is a very carefully balanced mix of research dollars in this legislation. Some of it—most of it, as a matter of fact—is done by the Agricultural Research Service at Federal laboratories, by scientists employed by the Government. Some of it is done through a National Research Initiative which is a competitive, peer-review program as the distinguished Senator from Wisconsin said.

Other dollars are allocated by formula, or under the supervision of the Department of Agriculture, which very closely monitors the use of all funds to determine that the research being done has merit and will benefit American agriculture. That is the important part of this.

I am not so much concerned with how we divide these funds, but we think the bill before the Senate provides a proper balance. Members of Congress have had a say-so in how these dollars are allocated, and that is how it should be. They are accountable to the taxpayers. If you turn this all over to a group of scientists somewhere, they are going to have their own buddy system, in effect, and you may see States and regions that will get left out, and I think it might be my region that may get left out.

You may have the large, more wealthy and well-entrenched hierarchy of academia in the Northeast and the Midwest dividing up all the money among themselves, and I am against that.

The system we have now that is reflected in this bill and the appropriations that we have made here and recommended to the Senate, I think, are very thoughtful. They are well crafted to make sure we serve agriculture broadly.

I hope the Senate will support our efforts.

The PRESIDING OFFICER (Mr. ASHCROFT). All time has expired.

Mr. COCHRAN. I move to table the Feingold amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on agreeing to the motion to lay on the table the amendment No. 2697, offered by the Senator from Wisconsin [Mr. FEINGOLD]. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

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

The result was announced—yeas 64, nays 34, as follows:

[Rollcall Vote No. 447 Leg.]

YEAS—64

Akaka	Exon	Levin
Baucus	Faircloth	Lott
Bennett	Ford	Mack
Biden	Frist	McConnell
Bond	Gorton	Mikulski
Breaux	Gramm	Moseley-Braun
Bumpers	Grassley	Murkowski
Burns	Gregg	Nickles
Byrd	Harkin	Packwood
Campbell	Hatch	Pressler
Coats	Heflin	Reid
Cochran	Helms	Sarbanes
Cohen	Hollings	Shelby
Conrad	Hutchison	Simpson
Coverdell	Inhofe	Snowe
Craig	Inouye	Specter
D'Amato	Jeffords	Stevens
Daschle	Johnston	Thomas
DeWine	Kempthorne	Thompson
Dole	Kerrey	Thurmond
Domenici	Lautenberg	
Dorgan	Leahy	

NAYS—34

Abraham	Graham	Nunn
Ashcroft	Grams	Pell
Bingaman	Kassebaum	Robb
Boxer	Kennedy	Rockefeller
Bradley	Kerry	Roth
Brown	Kohl	Santorum
Bryan	Kyl	Simon
Chafee	Lieberman	Smith
Dodd	Lugar	Warner
Feingold	McCain	Wellstone
Feinstein	Moynihan	
Glenn	Murray	

NOT VOTING—2

Hatfield	Pryor

So the motion to lay on the table the amendment (No. 2697) was agreed to.

AMENDMENT NO. 2698

The PRESIDING OFFICER. The question now occurs on amendment numbered 2698 offered by the Senator from North Dakota, [Mr. CONRAD].

Debate on the amendment is limited to 6 minutes, 4 minutes under the control of the Senator from North Dakota and 2 minutes under the control of the Senator from Mississippi.

Mr. COCHRAN. I ask unanimous consent that the rollcall on this Conrad amendment be limited to 10 minutes.

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

AMENDMENT NO. 2698, AS MODIFIED

Mr. CONRAD. Mr. President, I send a modification to the desk and ask unanimous consent to modify my amendment.

The PRESIDING OFFICER. The Senator has a right to modify in accordance with a previous order.

Without objection, it is so ordered, and the amendment is so modified.

The amendment (No. 2698), as modified, is as follows:

On page 82, line 15, strike ''$795,556,000'' and insert ''$717,778,000''.

At the appropriate place, insert the following:

SEC. . REPAYMENT OF ADVANCE DEFICIENCY PAYMENTS FOR 1995 DISASTER LOSSES.

(a) IN GENERAL.—Notwithstanding subparagraphs (G) and (H) of section 114(a)(2) of the Agricultural Act of 1949 (7 U.S.C. 1445j(a)(2)), if the producers on a farm received an advance deficiency payment for the 1995 crop of a commodity and suffered a loss in the production of the crop due to weather or related condition in excess of 35 percent, the producers shall not be required to repay the amount of the payment on lost production

that does not exceed the percent of production on which crop insurance coverage was not available, as determined by the Secretary of Agriculture.

(b) LIMITATIONS.—The payments not required to be repaid under subsection (a) shall not exceed—

(1) $2,500 for the producers on a farm; and

(2) $35,000,000 for all producers.

Mr. CONRAD. I thank the Chair.

Mr. President, this amendment is to deal with what I think is clearly an unintended consequence. In many parts of the country this year we have crop failure, most of it weather related.

Whether it is wheat in North Dakota or Kansas, whether it is cotton in Mississippi, or corn in Iowa and Illinois, we have a series of circumstances in which unusual crop losses have occurred. That has led to a perverse result.

Farmers across the country are being presented with a bill to repay their advance deficiency payments and in many cases they have no crop with which to pay it back. What has happened is producers were paid an advance deficiency payment, prices rose because of these crop shortages and shortfalls and, as a result, farmers are expected to repay their advance deficiency payments. But those who have suffered a catastrophic loss have no crop with which to make these repayments.

Mr. FORD. Mr. President, may we have order, please? The Senator deserves respect while we listen to this debate.

The PRESIDING OFFICER. The Senator will proceed.

Mr. CONRAD. Mr. President, this is no giveaway program. A farmer must have a loss of at least 35 percent. It is only on that part of farmers' production that is not eligible for crop insurance that would be allowed any forgiveness. There is a $2,500 cap per farmer. On a national basis, there is a $35 million limit. And it is all paid for. It is paid for by reducing the authorization for the Export Enhancement Program from $795 million to $717 million.

I just say to my colleagues, this year we had an $800 million authorization. We are going to spend less than $400 million of that. So I believe these funds are available for this purpose. It will allow farmers to get forgiveness on part of their advance deficiency payment in those circumstances where they have faced massive losses; in those circumstances where they have part of their crop that could not be covered by crop insurance. Where they could have gotten it covered by crop insurance, they are expected to have done so.

It is paid for. It is fair. It will relieve suffering as a result of the transition from previous disaster programs to no disaster program. I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the Senator from North Dakota last night offered this amendment. We talked about it a good bit. I was determined to come to the floor and move to table it and ask for the yeas and nays.

But he modified the amendment. He sent a modification to the desk and, by so doing, this amendment applies nationwide to farmers who have had weather-related disasters. I am confident that there are some situations where there ought to be an opportunity for some disaster assistance.

You may remember, I was on the floor arguing strongly for a cotton disaster program and the Senate did not approve it. I think one reason why they did not is that it was crop specific. This amendment does apply to all crops. It takes money from the Export Enhancement Program to do this. The payments are going to be capped at a $2,500 per farmer limit. It may even go less, because only $35 million is available nationwide. Depending upon the needs out there and the justifications for these payments to reimburse for advance deficiency payments where a farmer has not made a crop because of disaster, it may exceed $35 million. If it does, there will be a proration of that available money so each disaster victim may get less than $2,500.

I am going to vote for the amendment but I hope this has explained it to the extent Senators will know what they are voting on and understand the amendment.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I think it is a bad amendment. I like farmers, but it is a little early for Christmas. We just did welfare yesterday, welfare reform, where we are dealing with low-income Americans. My view is, it is a great idea to give farmers $2,500. I think in my State they will understand if I vote ''no.''

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. If I might just conclude, I would like to say this is completely paid for. It is paid for out of farm accounts to another farm account where there is, I think, a clear need across the country, where producers have suffered a catastrophic loss, and where there was not the availability of crop insurance to cover that loss. To the extent there is crop insurance available, no payment is available.

Again, it is paid for completely out of other agricultural accounts.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina. Does the Senator yield time?

Mr. CONRAD. I think all time has expired.

The PRESIDING OFFICER. There are 30 seconds remaining.

Mr. CONRAD. I yield back my time.

The PRESIDING OFFICER. All time has expired.

The Senator from North Carolina.

Mr. FAIRCLOTH. I am opposed.

The PRESIDING OFFICER. The Senator will need consent to address this issue.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent for 30 seconds to address the issue.

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

Mr. FAIRCLOTH. I am opposed to the amendment. The Senator says the money is there. It came from the taxpayers. We are simply putting $35 million more into another program that we should not be putting money into. The fact we might have put it into some agricultural bill and we are now shifting it to another one makes no difference. We are simply spending $35 million of the taxpayers' money.

The PRESIDING OFFICER. All time has expired. The question now occurs on amendment No. 2698, as modified.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

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

The result was announced—yeas 34, nays 64, as follows:

[Rollcall Vote No. 448 Leg.]

YEAS—34

Akaka	Ford	Moynihan
Baucus	Grassley	Murray
Bingaman	Harkin	Pressler
Breaux	Heflin	Reid
Bryan	Hollings	Robb
Bumpers	Inouye	Rockefeller
Burns	Jeffords	Sarbanes
Cochran	Johnston	Simon
Conrad	Kassebaum	Stevens
Daschle	Leahy	Wellstone
Dorgan	Lott	
Exon	Moseley-Braun	

NAYS—64

Abraham	Feinstein	Mack
Ashcroft	Frist	McCain
Bennett	Glenn	McConnell
Biden	Gorton	Mikulski
Bond	Graham	Murkowski
Boxer	Gramm	Nickles
Bradley	Grams	Nunn
Brown	Gregg	Packwood
Byrd	Hatch	Pell
Campbell	Helms	Roth
Chafee	Hutchison	Santorum
Coats	Inhofe	Shelby
Cohen	Kempthorne	Simpson
Coverdell	Kennedy	Smith
Craig	Kerrey	Snowe
D'Amato	Kerry	Specter
DeWine	Kohl	Thomas
Dodd	Kyl	Thompson
Dole	Lautenberg	Thurmond
Domenici	Levin	Warner
Faircloth	Lieberman	
Feingold	Lugar	

NOT VOTING—2

Hatfield	Pryor

So, the amendment (No. 2698), as modified, was rejected.

The PRESIDING OFFICER. Under the previous order, the question now occurs on amendment No. 2699 offered by the Senator from Arkansas [Mr. BUMPERS]. There will be 4 minutes for debate equally divided prior to the vote.

AMENDMENT NO. 2699, AS MODIFIED

Mr. BUMPERS. Mr. President, I ask unanimous consent for permission to send a modification to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment is so modified.

The amendment (No. 2699), as modified, is as follows:

On page 65, line 18, before the period at the end, insert the following: ''*: Provided further,* That funds made available under this Act to carry out non-generic activities of the market promotion program established under section 203 (e)(4) of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) may be used to provide cost-share assistance only to organizations that are non-Foreign entities recognized as small business concerns under section 3(a) of the Small Business Act (15 U.S.C. 632(a)) or to associations described in the first section of the Act entitled 'An Act to authorize association of producers of agricultural products', approved February 22, 1922 (7 U.S.C. 291). *Provided further,* That none of the funds made available under this Act may be used to pay the salaries of personnel who who carry out the market promotion program established under section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) if the aggregate amount of funds and/or commodities under the program exceeds $70,000,000''.

Mr. BUMPERS. Mr. President, I ask unanimous consent that Senator LEAHY be added as a cosponsor.

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

Mr. BUMPERS. Mr. President, I would like to have the attention of my colleagues because this will take just about 1 minute to explain to you what I have done on the Market Promotion Program.

I do not believe that it is defensible for the U.S. Congress to be giving money out to the biggest corporations in the world. I have no quarrel with the thrust of the Market Promotion Program.

So here is what I have done to that program. Four things: First, eliminate foreign corporations from eligibility; second, leave all the agricultural cooperatives as they are regardless of size eligible for the program; third, we cut the amount from $110 million to $70 million; and the coup de grace is make it a small-business program. Small businesses are the ones who have the most difficulty in exporting. It is not Gallo Wine. It is not Pillsbury. It is the small-business community.

So I make it small business, other than agriculture cooperatives. I make it a small-business program as defined by the Small Business Administration. While that varies, it is essentially a company that does $50 million a year or has 500 or fewer employees.

Here is a chance to make the program defensible. You can go home and talk to anybody you want to. Your farmers will love it because they stay eligible. Your small-business people love it because they will be eligible to export. Everybody else will love it because you are eliminating foreign corporations. And, finally, everybody will love it because we are cutting from $110 million to $70 million in the full knowledge that we are very likely to have to do some compromise with the House.

I thank the President.

I also ask unanimous consent that Senator KOHL be added as a cosponsor.

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

Mr. COCHRAN. Mr. President, I yield myself such time as I may consume.

Let me just make this point. I have brought to the floor a chart showing the dollar value of agricultural exports by State. We are trying to aggressively go after market share with our agriculture commodities. We are trying to promote and expand the business that we are able to do in overseas markets, and we are making good progress. One of the reasons why we are is because of this program.

Senator BUMPERS and Senator BRYAN have tried to kill this program. They tried it back on April 6 when we had the supplemental appropriations and rescissions bill on the floor. The Senate rejected their amendment. Yesterday, it rejected an effort. Here is another amendment. This is an effort to rewrite the whole program that is under the purview of the Agriculture Committee. We should not be asked to do that on the floor of the Senate. The Senators are not that familiar with the details of the program, the eligibility, the restrictions, and the safeguards that are written in there already. In addition, this amendment reduces the mandatory spending level for this program. That is a decision for the Agriculture Committee to make. They are under a reconciliation instruction. I understand the Agriculture Committee is considering this change.

I yield the remainder of my time to the distinguished Senator from Washington [Mr. GORTON].

Mr. GORTON. Mr. President, this amendment does not do what and exempt what the Senator from Arkansas says it does. He exempts co-ops from his prohibition, but he does not exempt the associations, which is the way most of your farmers will operate. There is not any apple grower in the State of Washington, I do not believe, who is not small enough to be a small business, but when he operates through an association, as he does and as they always do, he will not be exempted from the cuts that the Senator is imposing on him, nor will our asparagus growers, nor will any of your farmers who operate in that fashion.

Mr. BUMPERS. Mr. President, I ask unanimous consent for an additional 30 seconds.

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

Mr. BUMPERS. The modification I just sent to the desk took care of the very thing that the Senator from Washington was complaining about.

Mr. COCHRAN. Mr. President, I ask unanimous consent that this rollcall vote be limited to 10 minutes.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Mississippi to lay on the table the amendment of the Senator from Arkansas. On this question, the yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

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

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

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

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

The result was announced—yeas 36, nays 62, as follows:

[Rollcall Vote No. 449 Leg.]

YEAS—36

Ashcroft	Frist	Moseley-Braun
Baucus	Gorton	Murkowski
Bennett	Gramm	Murray
Bond	Grassley	Packwood
Boxer	Hatch	Pressler
Campbell	Heflin	Shelby
Cochran	Helms	Simon
Craig	Hutchison	Simpson
Daschle	Kempthorne	Snowe
Domenici	Kerrey	Specter
Feinstein	Lott	Stevens
Ford	McConnell	Thurmond

NAYS—62

Abraham	Exon	Lieberman
Akaka	Faircloth	Lugar
Biden	Feingold	Mack
Bingaman	Glenn	McCain
Bradley	Graham	Mikulski
Breaux	Grams	Moynihan
Brown	Gregg	Nickles
Bryan	Harkin	Nunn
Bumpers	Hollings	Pell
Burns	Inhofe	Reid
Byrd	Inouye	Robb
Chafee	Jeffords	Rockefeller
Coats	Johnston	Roth
Cohen	Kassebaum	Santorum
Conrad	Kennedy	Sarbanes
Coverdell	Kerry	Smith
D'Amato	Kohl	Thomas
DeWine	Kyl	Thompson
Dodd	Lautenberg	Warner
Dole	Leahy	Wellstone
Dorgan	Levin	

NOT VOTING—2

Hatfield	Pryor

So the motion was rejected.

Mr. BUMPERS. Mr. President, I urge the adoption of the amendment.

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

The amendment (No. 2699) was agreed to.

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

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

The motion to lay on the table was agreed to.

RURAL TOURISM IN ALASKA

Mr. STEVENS. Mr. President, I would like to engage my distinguished colleague, the senior Senator from Mississippi, in a colloquy concerning rural tourism in Alaska.

There are precious few opportunities for economic development throughout Alaska's 210 rural villages and communities, reflected by the fact that unemployment rates remain as high as 80 percent. Coupled with the geographical separation of these remote villages from other population centers, many Alaskans are denied access to the basic goods and services that stimulate local economic development.

The single bright spot on the horizon relates to growing interest in a rural Alaska tourism industry. In response, Alaska Village Initiative has, for several years, sought to offset the decline of traditional economic sectors with effective support to the rural tourism industry. I am told that approximately $300,000 would be required to establish and operate a Rural Tourism Development Center, RTDC, the next critical step to assisting these Native Alaskan villages along the road to self-sufficiency.

The RTDC will provide a range of technical assistance services to rural communities and individuals interested in developing tourism projects in Alaska. It will be a ''one-stop shop'' to assist entrepreneurs in developing their ideas from start to finish. It will also coordinate a wide variety of existing Government programs engaged in some aspect of rural tourism development.

The Department of Agriculture funds rural enterprise grants to address just this sort of need nationwide. Since such a grant would appear to be highly justified, I ask the chairman of the subcommittee whether the necessary funds could be provided to establish and operate a Rural Tourism Development Center in Alaska?

Mr. COCHRAN. As the Senator from Alaska noted, the subcommittee did address rural development grants, but was unaware of the problem in Alaska. I appreciate the Senator bringing this problem to my attention. I urge the Department to give equal consideration to an application to address this problem as those included in the committee report.

Mr. STEVENS. I thank the chairman.

Mr. HEFLIN. Mr. President, the aquaculture industry is of vital importance to the economy of west Alabama. In some west Alabama counties, for example, over 20 percent of the total population is employed directly in the production or processing of fish. The Southeastern Fish Cultural Laboratory in Marion, AL has played a major role in this process. It's my understanding that there are similar facilities in Arkansas and Mississippi.

Mr. BUMPERS. It is true that aquaculture is of great importance to the States of Arkansas, Mississippi, and Alabama. In Arkansas, the aquaculture industry is growing by leaps and bounds and the Stuttgart Aquaculture Center has been vital to that growth.

Mr. COCHRAN. The same can be said about the National Warm Water Aquaculture Research Center in Stoneville, MS. The expansion of the aquaculture industry in Mississippi, and the Nation has been responsible for sustaining rural economies that were recently in dire situations.

Mr. HEFLIN. We now have an annual trade deficit in fisheries products ranging from $4.5 to $7 billion. This trade imbalance is the largest of all agricultural commodities and ranks second only to petroleum among natural products. Our domestic aquaculture industry has the potential of turning this trade deficit into a trade surplus with only modest support and encouragement.

Mr. BUMPERS. While it is true that overall, agriculture has a positive balance of trade, the aquaculture sector does not. At the present time, the United States does not have the production capabilities to meet domestic demand for fish and fish products and therefore we are placed in the position that we are forced to import to meet the domestic demand. The aquaculture industry has the opportunity to turn this situation around and we should facilitate this process.

Mr. COCHRAN. Not only do we have the opportunity to turn our trade situation around relative to aquaculture, there is also a real human factor to be considered as well. Nearly 300,000 Americans are employed in aquaculture related work. The catfish industry alone accounts for 121,000 domestic jobs and nearly $2.5 billion in income. If we are able to facilitate the growth of this industry, the economic impact potential is overwhelming.

Mr. HEFLIN. As my colleagues from Mississippi and Arkansas are well aware, the U.S. aquaculture industry has grown more than 15 percent annually since 1980. As a result, aquaculture has emerged as a solid alternative agricultural opportunity and has allowed farmers to diversify. The research and extension infrastructure has been a major resource for aquaculture. Without this research it is doubtful that the aquaculture industry would have gotten off the ground.

Mr. COCHRAN. I could not agree more with my distinguished colleague and Alabama. The research that has supported the growth of this industry has been essential.

Mr. BUMPERS. Aquaculture is primed to take the next step forward and establish itself as an integral and vital form of agriculture. What aquaculture needs now is to be consolidated and coordinated under one department—the U.S. Department of Agriculture. Currently jurisdiction for aquaculture is spread out among the USDA, the Department of Interior, and the Department of Commerce. The Agriculture Research Service could truly assert itself in this regard if the U.S. Department of Agriculture is allowed to assume a leadership role in aquaculture.

Mr. HEFLIN. In an effort to facilitate the continued growth of the aquaculture industry and provide the necessary resource tools, it is highly desirable that all relevant departments and agencies of the U.S. Department of Agriculture, including Agricultural Research Service, take steps necessary to support research in the field of aquaculture and particularly to exercise its authority to assist and help the industry and related fields of aquaculture including the cooperation with and/or the assumption of fish culture laboratories including the Southeastern Fish Culture Lab at Marion, AL.

Mr. COCHRAN. I agree that the suggestion by Senator HEFLIN is desirable and should be carried out as long as it does not result in duplication of ongoing research activities at other research facilities.

Mr. BUMPERS. I concur in what Senator COCHRAN has just said.

CERTIFIED MEDIATION PROGRAMS

Mr. CONRAD. Mr. President, I note the chairman and ranking member of the subcommittee are on the floor. H.R. 1976 provides funding of $3,000,000 for grants to certified State mediation programs. Mediation is a proven effective tool in resolving disputes between the Department of Agriculture and America's farmers and ranchers. And as you know, mediation has been used for quite some time with regard to loans.

However, current law [7 U.S.C. sections 5101 through 5106] also directs certified State mediation programs to offer mediation in other areas of dispute with the Department of Agriculture. These areas include wetlands determinations, compliance with farm programs, including conservation programs, agricultural credit, rural water loan programs, grazing on National Forest System lands, pesticides, and other issues as the Secretary of Agriculture considers appropriate.

Mr. BUMPERS. The Senator is correct. The statute provides that certified State mediation programs are to be used for a wide variety of disputes with the Department of Agriculture. And as the law provides, in States with certified mediation programs, the Secretary of Agriculture is required to participate in ''good faith'' with certified State mediation programs.

Mr. CONRAD. While the legislation is clear, there is a question regarding the Senate Committee's report language of H.R. 1976. The report language states: ''Grants will be solely for operation and administration of the State's agricultural loan mediation program.'' Is it the committee's intent that federal funding not be used for other issues covered by the certified State mediation program?

Mr. BUMPERS. No. It was not the committee's intent to limit the activities of the certified State mediation programs as currently allowed by statute.

Mr. CONRAD. Therefore, it is my understanding that the report language should not be read to limit or exclude activities of the certified State mediation programs that are currently described in the statute. The grants shall be used by certified State mediation programs in a manner which is consistent with 7 U.S.C. sections 5101 through 5106.

Mr. COCHRAN. The Senator is correct. The report language should not be read to limit the activities of the certified State mediation programs which receive grants from the Federal Government.

Mr. CONRAD. I thank the Senators for clarifying the report language with regard to certified State mediation programs.

TOURISM AMENDMENT

Mr. FEINGOLD. Mr. President, last night an amendment I had proposed to H.R. 1976 was adopted unanimously by the Senate. I thank the managers of this bill, the Senator from Mississippi [Mr. COCHRAN] and the Senator from Arkansas [Mr. BUMPERS] for their assistance and cooperation in this matter. I also wish to thank the chairman and ranking member of the Agriculture Committee for their help and guidance on this very important rural development issue intended to clarify that tourist and other recreational-type businesses located in rural communities are eligible for loans under the Rural Business and Cooperative Development Service's [RBCDS] Business and Industry [B&I] Loan Guarantee Program, funded in this bill in the Rural Community Advancement Program.

This is an issue that I first became aware of, and especially interested in, after a constituent approached me late last summer at the Rusk County listening session I held at Mount Senario College in Ladysmith, WI. The constituent owns a tourist lodge in northern Wisconsin and expressed his deep frustration at a problem Wisconsin tourist resort owners were having in attempting to obtain financing for rural development. Specifically, this constituent was interested in obtaining funding from the B&I Program to build an 18-hole golf course next to his lodge, but was told that recreational facilities were prohibited from receiving funding under the program. Concerned by this information, I decided to contact the Agency about the program. What I since learned is a clear illustration of why so many Americans are frustrated with the Federal Government.

The B&I Program was established by the Rural Development Act of 1972 with the aim of improving America's rural economy by creating, developing, or financing business, industry and employment in rural America. When the B&I Program was first established, no restrictions were placed on guaranteeing loans to tourist or other recreational-type businesses located in rural communities. However, on July 6, 1983, the Rural Development Administration revised its internal lending policy relative to the B&I Program and placed restrictions on the program's regulations by prohibiting such funding to tourist or recreation facilities. As a result, currently these loan guarantees are not made available to tourist or other recreational-type businesses.

This policy does not make too much sense to me especially since tourism can definitely play a major role in the development of rural areas. In fact, nationally tourism is a $400 billion industry, and is a $5.6 billion industry in Wisconsin alone. After initially contacting the RBCDS in September of last year, I was advised that the Agency was currently undergoing a review of its loan guarantee policy. I urged the Agency to consider changing its internal lending policy to allow guaranteed business and industry assistance to be made to recreational-type businesses located in rural areas. I want to make it clear that this policy is not the result of any restriction in the authorizing statutes, but rather an agency decision to restrict such funds.

In fact, a General Accounting Office [GAO] report released in July 1992 on the patterns of use in the B&I Program came to the same conclusion. It suggests that the B&I Program is underutilized, which is due in part to the Agency's current restrictions on using B&I funds for activities related to tourism. Furthermore, the GAO recommends revising the B&I program regulations to allow the selective use of loan guarantees for these activities.

All indications are that the Agency seems to be leaning in favor of adopting these changes. I ask unanimous consent that two letters I have received from the RBCDS indicating they ''intend'' to remove these restrictions, one dated October 14, 1994 and the other dated July 14, 1995, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE,
RURAL DEVELOPMENT ADMINISTRATION,
Washington, DC, October 14, 1994.

Hon. RUSSELL D. FEINGOLD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINGOLD: Thank you for your letter concerning the availability of Rural Development Administration (RDA) loan guarantees for tourist resorts located in rural communities. RDA programs are administered at the local level by the Farmers Home Administration.

On July 6, 1983, the RDA Business and Industry (B&I) loan guarantee program regulations were revised and restrictions were placed on guaranteeing loans for tourist, recreation, and amusement facilities. A recent study by the General Accounting Office recommended that the agency revisit this issue. As a result, RDA is considering developing regulations that would allow loan guarantees in connection with certain types of tourist and recreation enterprises.

The purpose of the B&I program is to create jobs which will improve the economic climate in rural communities and provide lasting community benefits. You may be assured that your comments in support of this purpose will be taken into consideration.

We appreciate your support for this program and hope that you find this information helpful.

Sincerely,

WILBUR T. PEER,
Acting Administrator.

U.S. DEPARTMENT OF AGRICULTURE,
RURAL DEVELOPMENT ADMINISTRATION,
Washington, DC, June 14, 1995.

Hon. RUSSELL D. FEINGOLD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINGOLD: Thank you for your letter regarding the proposed changes to the Business and Industry (B&I) loan guarantee program. As you know, under the Department of Agriculture reorganization, this program is administered by the Rural Business and Cooperative Development Service (RBCDS). We appreciate learning of your concern and regret the delay in responding to your inquiry.

We appreciate your interest in our programs and are pleased to have the opportunity to respond to your concerns. As you note, tourist, recreation, and amusement facilities are currently ineligible loan purposes under the B&I program. However, a study by the General Accounting Office recommended that the Agency revisit the issue of making loans for these purposes and, as a result, RBCDS is developing regulations that would allow loan guarantees in connection with certain types of tourist and recreation enterprises.

The proposed draft regulation would remove restrictions placed on guaranteeing loans to hotels, motels, tourist resorts, beds-and-breakfasts, convention centers and other business involved in recreational services that meet certain standards. However, the regulation will continue to prohibit loan guarantees for golf courses, race tracks and other gambling facilities.

Currently, the regulations changes are being reviewed by our Office of the General Counsel. Unfortunately, we cannot predict with any certainty when the final regulations will be published in the Federal Register.

Again, we appreciate your continued interest in our programs and hope that this information is helpful to you. If we can be of further assistance, please do not hesitate to contact us.

Sincerely,

DAYTON J. WATKINS,
Acting Administrator, Rural Business and Cooperative Development Service.

Mr. FEINGOLD. Mr. President, it has been over 3 years since the GAO made its recommendations and over a year since I first contacted the RBCDS about this matter. However, rural America and, in particular, rural Wisconsin communities simply do not have the luxury to wait until Federal agencies finally decide to act.

Mr. President, rural America is indeed at a crossroads in terms of converting from traditional resource-based economies which are becoming less economically viable, to other types of activities which also make a substantial contribution to better living in these areas. Tourism can certainly play a major role in improving the qualify of life in many rural communities and, in fact, rural tourism

should be recognized for what it truly is—a legitimate means to enhance economic development in, and the copmetitiveness of, rural America.

Tourism can, and does, create jobs which help to improve the economic climate in rural communities and provide lasting community benefits. However, without economic assistance to help stimulate growth in rural development, any such successful transition to tourism may prove difficult. That is why the Government must act, and act in a timely fashion, to assist the economies of rural America.

Mr. President, this matter is of importance to rural America. This amendment is not controversial, and will have no budgetary impact. It simply clarifies that tourist and other recreational-type businesses located in rural communities are eligible for loans under the B&I program. I urge my colleagues to support this amendment, and move for its immediate consideration. I thank the Chair, and I yield the floor.

Mr. DOMENICI. Mr. President, I rise to address the Department of Agriculture and Related Agencies appropriations bill for fiscal year 1996.

The Senate-reported bill provides $63.1 billion in new budget authority [BA] and $45.6 billion in new outlays to fund most of the programs of the Department of Agriculture and other related agencies.

All of the funding in this bill is nondefense spending. This subcommittee received no allocation under the crime reduction trust fund.

When outlays for prior-year appropriations and other adjustments are taken into account, the Senate-reported bill totals $63.2 billion in BA and $52.8 billion in outlays for fiscal year 1996.

The Senate Agriculture Appropriations Subcommittee 602(b) allocation totals $63.2 billion in budget authority [BA] and $52.8 billion in outlays. Within this amount, $13.3 billion in BA and $13.6 billion in outlays is for discretionary spending.

Mr. President, there are two issues that I would like to highlight. One deals with a scoring issue and reconciliation, and the other relates to disaster assistance.

SCORING ISSUE

Mr. President, this bill includes mandatory savings to offset discretionary spending. I would caution the committee against including such savings in this bill.

As you know, this is an historic year in which we have set forth a plan to balance the budget in 7 years. The budget resolution contained reconciliation instructions that would cut mandatory spending by more than $600 billion over the next 7 years.

The authorizing committees already have a very difficult job to meet this target. These committees need the maximum flexibility to achieve these very significant deficit reduction savings.

When mandatory savings are included in appropriations bills, it is generally to offset discretionary spending, rather than to achieve savings for deficit reduction.

There are six provisions in this bill which result in mandatory savings totaling $521 million in BA and $381 million in outlays—some of which will be used in reconciliation.

One example is the freeze on the food stamp standard deduction at the 1995 level, which is also in the welfare reform bill now before the Senate. This provision saves $190 million in both BA and outlays in fiscal year 1996.

Because welfare reform is likely to be included in reconciliation, this provision will count toward the reconciliation instruction of the Senate Agriculture Committee.

We made a commitment this year to deficit reduction. We cannot accomplish this goal by double-counting savings in both appropriations and reconciliation bills.

The House struck most of the provisions from its bill at the insistence of the leadership and on behalf of the authorizing committee because the House fully intends most of these savings to be included in the reconciliation bill.

Mr. President, I ask unanimous consent that a letter from the chairman of the House Agriculture Committee outlining the need for the authorizing committees and appropriations committees to respect the jurisdictional parameters on mandatory and discretionary spending be inserted in the RECORD at this point.

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

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, September 18, 1995.

Hon. PETE V. DOMENICI,
Chairman, Senate Committee on the Budget, Washington, DC.

DEAR MR. CHAIRMAN: During consideration of its 1996 Agriculture Appropriations bill, House Appropriators and Authorizers went through a very difficult and exhausting round of talks on the issue of mandatory and discretionary spending authority. Accordingly, in an agreement worked out by the House Leadership, the agriculture authorizing committee was directed to stay within the bounds of mandatory spending accounts and the agriculture appropriations subcommittee within the parameters of discretionary spending accounts.

It is my understanding that you are faced with a similar situation in several of the FY 96 appropriation bills coming before the Senate. I would have to agree with you that in addition to the leadership generated accord on this issue in this body, it has indeed been a gentleman's agreement that the appropriators do not steal from the authorizers and the authorizers do not steal from the appropriators. At a time when funds are diminishing rapidly in both the discretionary and mandatory side of the agriculture equation, each committee is being required to reform and drastically reduce its funding. Thus, intrusions by the various committees into accounts not under their purview are particularly harmful to the budgetary and policy reform process.

With this in mind, I was disappointed to learn that not only has the Senate Appropriations Committee chosen to disregard the will of the House on the issue of mandatory and discretionary spending, they have done so to the tune of over $800 million. This not only disregards sound fiscal and budgetary policy, but it also threatens real reform of agriculture programs and the efforts of this committee to reform mandatory entitlement spending.

I appreciate your tireless efforts to reduce the budget deficit and bring sanity to the federal budget. I want to pledge to you the full support of my committee and our colleagues in the House who represent rural districts and enlist your support in opposing any agriculture appropriations bill that contains spending cuts by the appropriations committees to mandatory programs.

With best regards.

Sincerely,

PAT ROBERTS,
Chairman.

Enclosure.

AGRICULTURE SUBCOMMITTEE

[Spending totals—House-passed bill (fiscal year 1996, in millions of dollars)]

	Budget authority	Outlays
Nondefense discretionary:		
Outlays from prior-year BA and other actions completed	.....	3,751
H.R. 1976, as passed by the House	13,310	9,841
Scorekeeping adjustment	.....	.....
Subtotal nondefense discretionary	13,310	13,592
Mandatory:		
Outlays from prior-year BA and other actions completed	501	3,337
H.R. 1976, as passed by the House	48,721	35,750
Adjustment to conform mandatory programs with Budget. Resolution assumptions	620	90
Subtotal mandatory	49,842	39,177
Adjusted bill total	63,152	52,769
Senate Subcommittee 602(b) allocation:		
Defense discretionary	.....	.....
Nondefense discretionary	13,310	13,608
Violent crime reduction trust fund	.....	.....
Mandatory	49,842	39,177
Total allocation	63,152	52,785
Adjusted bill total compared to Senate Subcommittee 602(b) allocation:		
Defense discretionary	.....	.....
Nondefense discretionary	0	−16
Violent crime reduction trust fund	.....	.....
Mandatory	.....	.....
Total allocation	0	−16

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. DOMENICI. Mr. President, I am concerned that the authorizing committees will not have full flexibility if appropriation bills continue to use mandatory savings to offset discretionary spending.

I would hope that the authorizing and Appropriations Committee would resolve this issue in conference.

CROP INSURANCE

The Senate-reported bill includes $41 million in an hoc disaster assistance for the 1995 crop of cotton that was adversely affected by insect damage.

I would like to remind everyone that a $5 billion baseline adjustment was made last year to accommodate crop insurance reform, which was enacted into law.

The crop insurance reform was supposed to replace the system of providing assistance through ad hoc disaster legislation.

On August 25, 1994, I stated on the Senate floor that the crop insurance

reform will only work if Congress restrains itself from providing future ad hoc disaster assistance.

I also said this will be difficult based on past experiences. What I have said has come true, and I believe that this is the beginning of the end of the newly reformed crop insurance program if we continue along the path that the Senate-reported bill has taken.

The administration strongly objects to this provision in the bill stating that it is in direct conflict with one of the major tenets of last year's crop insurance reform, namely, that farmers would be discouraged from risk-management through crop insurance as long as Federal crop disaster payments were continually provided on an ad hoc basis.

Mr. BINGAMAN. Mr. President, I rise today to indicate that I intend to vote for H.R.1976, the Agriculture Appropriations Act of 1995.

I believe that H.R.1976 is a reasonable piece of legislation that establishes adequate funding levels for one of the most important segments of our Nation s economy, the American farm and farmer.

While I intend to vote for this legislation, I remain very concerned by the actions of the Senate last night in approving the amendment offered by our colleague from Alaska, Senator STEVENS, to direct the Secretary of Agriculture to take away from the Under Secretary for Natural Resources and Environment any responsibility in the areas he now administers relating to forest management.

As many of my colleagues who opposed this amendment have noted, we here in the Senate often disagree vehemently on matters of policy. I have disagreed with my Republican colleagues in the Senate, and I have disagreed with my Democratic colleagues in the Senate. I have disagreed with both Democratic and Republican administrations. However, Mr. President, I am concerned that, in adopting the amendment by the Senator from Alaska, we have crossed the boundary of reasonable policy differences. I am afraid that we have strayed into an area where when we disagree with someone in the Administration, we can simply come to the floor and in essence fire that person. Mr. President, that is a dangerous and, I think, wrong precedent to be setting. Congress should let the executive branch direct the internal, personnel affairs of the executive branch. That is the system that the Constitution establishes and we should not try to undermine that by legislative fiat.

Again, Mr. President, I will vote for the agriculture appropriations bill, however, it is my sincere hope that the conference committee will remove the language added by the Senator from Alaska s amendment. If not, I will have serious concerns about being able to support the conference report.

LAND GRANT FUNDING FOR TRIBAL COLLEGES

Mr. DORGAN. Mr. President, I am pleased to offer my strong support for the amendment offered by my colleague from New Mexico. This amendment would provide $8.15 million in funding for extension, education and capacity-building programs for the 29 tribal colleges in this country.

The programs authorized under the Equity in Education Land-Grant Act of 1994 for fiscal year 1996 include a $4.6 million endowment payment for tribal colleges, which currently serve nearly 25,000 students. However, the law also authorized $1.45 million for curriculum strengthening grants, the $1.7 million for competitive capacity building grants, and the $5 million for extension programs—and these critical areas remain unfunded.

Land grant status has created new opportunities for tribal colleges and for the people served by them. To date, billions of dollars in land-grant programs for rural America have produced tremendous educational and economic benefits, but Indian lands have received very little. This makes no sense. Large amounts of Indian agricultural land is idle or underdeveloped, largely due to a lack of adequate agricultural training on reservations. And since 75 percent of 54.5 million acres of Indian land in this country is agricultural, a critical component of long-term economic self-sufficiency of tribes is helping people on reservations receive the training they need to use this land to its potential.

Tribal colleges, such as Turtle Mountain Community College in Belcourt, ND, can provide this training. Even though they are located in areas where unemployment ranges from 45 to 86 percent, tribal college graduates are employed at rates of 74 to 85 percent—which means these graduates have contributed millions of dollars in Federal taxes and provided leadership in their communities.

The need for agriculture training is extremely high on reservations, but it has not been met to date. And if tribes are to develop their natural resources and become more economically self-sufficient, we must meet that need. That is why I am pleased to support the Bingaman amendment, and I hope my colleagues will do the same.

The PRESIDING OFFICER. Under the previous order, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. COCHRAN. Mr. President, I am going to ask unanimous consent—we are probably not going to take any time for debate before the vote on final passage. I ask unanimous consent there be 10 minutes available for concluding remarks before the vote on final passage. I do not expect that to be used, but I put that request.

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

Mr. COCHRAN. Mr. President, I yield back the remainder of the time on this side.

I ask for the yeas and nays, and I ask unanimous consent that this vote be limited to 10 minutes.

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

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is the remaining time yielded back?

Mr. BUMPERS. I yield back such time as I may have remaining.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass? The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

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

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

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

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

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 450 Leg.]

YEAS—95

Abraham	Faircloth	Lott
Akaka	Feingold	Lugar
Ashcroft	Feinstein	Mack
Baucus	Ford	McConnell
Bennett	Frist	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Gorton	Moynihan
Bond	Graham	Murkowski
Boxer	Gramm	Murray
Bradley	Grams	Nickles
Breaux	Grassley	Nunn
Brown	Gregg	Packwood
Bryan	Harkin	Pell
Bumpers	Hatch	Pressler
Burns	Heflin	Reid
Byrd	Helms	Robb
Campbell	Hollings	Rockefeller
Chafee	Hutchison	Santorum
Coats	Inhofe	Sarbanes
Cochran	Inouye	Shelby
Cohen	Jeffords	Simon
Conrad	Johnston	Simpson
Coverdell	Kassebaum	Smith
Craig	Kempthorne	Snowe
D'Amato	Kennedy	Specter
Daschle	Kerrey	Stevens
DeWine	Kerry	Thomas
Dodd	Kohl	Thompson
Dole	Lautenberg	Thurmond
Domenici	Leahy	Warner
Dorgan	Levin	Wellstone
Exon	Lieberman	

NAYS—3

Kyl	McCain	Roth

NOT VOTING—2

Hatfield	Pryor

So the bill (H.R. 1976), as amended, was passed.

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

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

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I move that the Senate insist on its amendments to H.R. 1976 and request a conference with the House of Representatives on the disagreeing votes of the

two Houses thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

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

The motion was agreed to; and the Presiding Officer (Mr. CAMPBELL) appointed Mr. COCHRAN, Mr. SPECTER, Mr. BOND, Mr. GORTON, Mr. MCCONNELL, Mr. BURNS, Mr. HATFIELD, Mr. BUMPERS, Mr. HARKIN, Mr. KERREY, Mr. JOHNSTON, Mr. KOHL, and Mr. BYRD conferees on the part of the Senate.

Mr. COCHRAN. Mr. President, I want to compliment the good effort of all of the members of our committee and our staffs for the work they have done in preparing this bill, in getting it to the floor and handling the bill and answering questions, and my colleagues' dealing with amendments and all of the things that go into managing a bill on the floor of the Senate.

We appreciate the cooperation of all Senators in getting the bill passed in a timely fashion.

I especially want to single out for praise the staff members of this subcommittee: Rebecca Davies, Hunt Shipman, Jimmie Reynolds, Galen Fountain, and Carole Geagley. We thank them very much for their hard work and their expert assistance.

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

The Senate continued with consideration of the bill.

AMENDMENT NO. 2708

The PRESIDING OFFICER. The Chair would note the pending question now is the Brown second-degree amendment to the committee on page 16 of H.R. 1868.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that I may proceed for about 7 or 8 minutes in morning business.

Mr. BROWN. Reserving the right to object, Mr. President, I will not object, but the distinguished Senators were concerned about the Pakistan amendment I have offered. I will make available an intelligence briefing to Senators in the near period.

I will not object to this, but I do want the Senate to know that I believe Senator LEVIN from Michigan and others will arrange for an intelligence briefing related to this, and those interested should contact Senator LEVIN for that briefing. I think that may speed it up.

I do not object.

Mr. MCCONNELL. Mr. President, will the Senator yield? I inquire of the Senator from Colorado whether he objects to our temporarily laying aside his amendment and taking up other amendments?

Mr. BROWN. The concerns expressed by Senator LEVIN and Senator GLENN do request some additional time for this briefing. I think it would be only due courtesy to them to allow some additional time, so I will not object to moving ahead with the D'Amato amendment.

Mr. GLENN. Reserving the right to object, and I will not object, it is a little premature to say we have this set up or to imply we do because we do not have it set up. We do not know whether we can get the proper official to do the briefing. We will arrange that as fast as we can and let everybody know about that.

The PRESIDING OFFICER. Is there an objection to the request of the Senator from New Jersey for 7 minutes under morning business?

Hearing no objection, the Senator is recognized.

FDA SHOULD REGULATE TOBACCO

Mr. LAUTENBERG. Mr. President, I wanted to take a little time to comment on some legislation that was introduced this morning by my colleague, friend, and distinguished Senator from Kentucky earlier this day, having to do with tobacco.

Mr. President, let me begin by commending the Senator from Kentucky for his acknowledgment that smoking is a serious public health problem among our young people.

Senator FORD's legislation seeks to curb advertising directed at young people and to limit children's access to tobacco. These are important goals. However, I strongly oppose the provision in the Senator's legislation that would seek to strip the FDA from asserting its authority to regulate tobacco products.

Mr. President, nicotine is an addictive drug. This has not only been proven by a number of scientific studies, but was also revealed in confidential industry documents in the past year.

Consider the following statement contained in an industry document by an official with the Brown and Williamson tobacco company. It said, ''Moreover, nicotine is addictive. We are then,'' he goes on to say ''in the business of selling nicotine, an addictive drug.'' Mr. President, this is directly from the tobacco industry.

Now, last month President Clinton took a bold step to fight teenage smoking. He stood up to the industry, the tobacco industry, and he did the right thing. He deserves a lot of credit. President Clinton took the side of parents, American parents. They do not want their children smoking. Neither do I and neither do most here.

The President is targeting smoking by teenagers, and I agree with this approach. It goes right to the source of the problem, especially if you consider the following: 3,000 children start smoking every day. More than 80 percent of all smokers had their first cigarette before the age of 18. If a child does not smoke before age 18, it is very unlikely that they will become a smoker in their adult life.

More than half of all adult smokers had already become addicted regular smokers before they were 18 years of age.

It is clear that smoking is a pediatric disease that ultimately contributes to over 400,000 deaths a year, enormous financial costs, terrific family dislocation and puts a burden on us that continues to add problems to our deficit.

Unfortunately, it is getting worse. Between 1991 and 1994, the percentage of eighth graders who smoked increased by 30 percent. The percentage of 10th graders who smoke increased by 22 percent.

Mr. President, we need the FDA to help us fight this major public health problem. Nicotine is an addictive drug, and the FDA is supposed to regulate addictive drugs. There is no reason to make a special exception for the tobacco industry.

Mr. President, it would be a terrible mistake to tie the agency's hands in this critical area. We need a strong watchdog to ensure compliance with the President's initiatives. We also have to be prepared to take additional steps to reduce teenage smoking. The FDA has a critical role to play.

Mr. President, ensuring compliance with President Clinton's new initiative is not going to be easy. In fact, I now have seen firsthand how easy it is for children to purchase tobacco products. In New Jersey, we have fairly strict rules on the ability to purchase tobacco by those underage. I went on a New Jersey Health Department compliance check in a couple of towns in New Jersey with two 17-year-olds. We went to 10 places to purchase cigarettes. These minors were able to purchase cigarettes at all 10 locations without a question, whether it was a machine which was supposed to be controlled by the management of the store of the location or whether it was directly over the counter.

This is outrageous, Mr. President. The products they were able to buy—and this is not to single out a particular brand because that is irrelevant—but the products are the ones that we commonly see, the better advertised, the more popular. They just happen to be there; some of them had room on the counter. You did not even have to look at the clerk to buy them—just get up and pay for them, no questions asked.

Mr. President, I think it is obvious keeping tobacco away from young people is going to be very difficult. We need the FDA to help lead that battle.

Now, unfortunately, the legislation of our distinguished colleague from Kentucky will strip them of the power needed to respond to this public health crisis. I intend to strongly oppose the proposal and to fight as hard as I can to protect the health and well-being and the futures of our young people.

I yield the floor.

Mr. FORD. Mr. President, I ask unanimous consent I might proceed as in morning business for 5 minutes.

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from New Jersey.

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

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

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

I yield the floor.

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

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

The Senate continued with the consideration of the bill.

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

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

AMENDMENT NO. 2709

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

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

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

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

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

The amendment is as follows:

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

LIMITATION ON ASSISTANCE TO TURKEY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

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

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

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

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

I yield the floor.

Mr. D'AMATO addressed the Chair.

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

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

The human rights situation in Turkey worsened significantly in 1994.

Worsened significantly in 1994.

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

Let me go on a little further.

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

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

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

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

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

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

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

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

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

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

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

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

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

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

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

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

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

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

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

The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

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

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

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

[Rollcall Vote No. 451 Leg.]

YEAS—60

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

NAYS—36

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

NOT VOTING—4

Hatfield	Pryor
Kassebaum	Warner

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

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

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

PRIVILEGE OF THE FLOOR

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 2708

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

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

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

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

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

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

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

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

From George Tanham, vice president of Rand Corp:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

Mr. GLENN. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislation clerk continued the call of the roll.

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

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

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

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

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

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

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

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

Mr. BROWN. I have no objection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AMENDMENT NO. 2710

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

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

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

It will be considered at another time.

I yield the floor, Mr. President.

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

AMENDMENT NO. 2708

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

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

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

[Rollcall Vote No. 452 Leg.]

YEAS—37

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

NAYS—61

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

NOT VOTING—2

Hatfield	Pryor

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

Mr. BROWN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

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

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

Mr. MCCONNELL. I withhold.

The PRESIDING OFFICER. The Senator from Vermont.

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

Mr. GLENN. It is a classified briefing.

Mr. LEAHY. It is a classified briefing.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

Mr. President, I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

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

The PRESIDING OFFICER. The Senator is correct.

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

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

AMENDMENT NO. 2711

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

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

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

The clerk will report the amendment.

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . FEDERAL PROHIBITION OF FEMALE GENITAL MUTILATION.

(a) TITLE 18 AMENDMENT.—

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

"§ 116. Female genital mutilation

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

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

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

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

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

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

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

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

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

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

''116. Female genital mutilation.''.

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

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

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

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

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

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

(c) EFFECTIVE DATES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The amendment (No. 2711) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

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

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

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

AMENDMENT NO. 2712

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

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

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

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

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

The amendment is as follows:

At the appropriate place insert the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(l) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I thank my colleagues and I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

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

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will report.

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

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

AMENDMENTS NOS. 2710, 2714 THROUGH 2722, EN BLOC

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

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

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

The clerk will report.

The assistant legislative clerk read as follows:

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

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

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

The amendments are as follows:

AMENDMENT NO. 2710

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

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

LIBERIA

SEC. . (a) The Congress finds that—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

been a unified national will to stop the fighting.

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

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

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

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

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

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

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

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

I thank the Chair and yield the floor.

AMENDMENT NO. 2714

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

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

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

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

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

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

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

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

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

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

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

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

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

AMENDMENT NO. 2715

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

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

AMENDMENT NO. 2716

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

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

SEC. . INDEX OF ECONOMIC FREEDOM.

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

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

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

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

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

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

AMENDMENT NO. 2717

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

Add the following in the appropriate section:

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

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

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

I encourage my colleagues to support this amendment.

AMENDMENT NO. 2718

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

At the appropriate place, insert the following:

SEC. . ENERGY SAVINGS AT FEDERAL FACILITIES.

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

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

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

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

(c) REPORT.—

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

(2) CONTENTS.—Each report shall—

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

(B) identify the reductions achieved; and

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

AMENDMENT NO. 2719

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

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

AMENDMENT NO. 2720

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

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

SEC. . REPORTS REGARDING HONG KONG.

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

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

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

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

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

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

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

(4) the treatment of political parties;

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

(6) the Bill of Rights.

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

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

AMENDMENT NO. 2721

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

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

SEC. . INDEX OF ECONOMIC FREEDOM.

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

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

AMENDMENT NO. 2722

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

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

SEC. . HONDURAS.

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

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

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

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

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

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

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

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

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

I understand this amendment is acceptable to the other side.

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

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

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

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

Mr. MCCONNELL. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

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

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

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

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

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

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

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

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

PROHIBITION ON FINANCIAL ASSISTANCE TO THE SOCIALIST REPUBLIC OF VIETNAM

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(See exhibit 1.)

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

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

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

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

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

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

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

Mr. SMITH. I yield the floor.

EXHIBIT 1

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

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

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

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

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

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

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

[From Reuters, Aug. 16, 1995]

U.S. RIGHTS GROUP CONDEMN VIETNAM VERDICTS

(By John Rogers)

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

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

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

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

The Communist Party is Vietnam's only legal party.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

BOB SMITH,
United States Senator.

SUBJECT: MONTHLY PW/MIA STATISTICAL REPORT

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

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

FIGURE 1.—AMERICANS UNACCOUNTED FOR IN SOUTHEAST ASIA

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

* Status as of Homecoming.

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

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

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

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

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

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

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

I should have known better.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Madam President, I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

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

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

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

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

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

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

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

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

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

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

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

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

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

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

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

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

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

I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. KERRY addressed the Chair.

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

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

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. All time has expired.

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

The PRESIDING OFFICER. The Senator is correct.

Mr. MCCONNELL. I suggest that we vote.

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

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

The bill clerk called the roll.

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

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

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

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

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

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

[Rollcall Vote No. 453 Leg.]

YEAS—39

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

NAYS—58

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

NOT VOTING—3

Biden	Hatfield	Rockefeller

So the amendment (No. 2723) was rejected.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2708

The PRESIDING OFFICER. The Senator from Colorado.

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

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

The Senator from Washington.

Mr. GORTON. I thank the Chair.

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

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

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

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

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

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

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

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

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

Mr. GLENN. I yield the Senator 20 minutes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. President, we cannot escape history.

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

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

Those are the facts. We cannot escape history.

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

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

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

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

our nuclear nonproliferation efforts throughout the world.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I recognize that the Senator from Colorado has gone to great lengths and made every conceivable effort to reassure his colleagues that this military package would not upset the strategic balance between India and Pakistan.

However, the Indian Government assessed this package on all levels—political, strategic, and diplomatic. It concluded it would have no choice but to engage in additional military procurement if this transfer goes through. Why should the United States risk a potential arms race in an already unstable South Asia?

Second, the military transfer could inadvertently improve the terrorist state of Iran's military capability in the region. According to news reports, Iran and Pakistan have been cooperation on nuclear weapons research for a decade. Also, Iran and Pakistan have been engaged in cooperative military efforts dating back as far as last year, when the two countries conducted joint naval maneuvers in the Arabian Sea. I was disturbed to learn that a new round of naval maneuvers is scheduled later this fall.

Given this sustained Pakistan-Iran cooperation, the P–3's take on added significance. The P–3's surveillance capability would cover the entire Arabian Sea and the entire Persian Gulf. The data from this extended surveillance—data on the movements of our own Navy in the region—surely would be of critical use to Iran as it seeks to extend the reach of its naval power.

Is there anything in the Brown amendment that would require a written assurance from Pakistan that the P–3's or any other United States made military equipment would not be used to benefit a terrorist country? No.

If that is the case, why would we inadvertently enhance Iran's military alliance with Pakistan to the detriment of our own naval forces, and our friends and allies in the region? It makes no sense.

Finally, this transfer sends the worst possible message: nuclear proliferation pays.

In this case, a country that has gone into nuclear proliferation, after it agreed with us not to, is being rewarded, and we are supposed to have sanctions against countries that have

entered into agreements and broken them. So we are rewarding nuclear proliferation in this very move.

The Clinton administration assured Congress that the United States would oppose any commercial military upgrades for Pakistan. This has been U.S. policy since 1990. Yet, the proposed transfer would break its assurance to Congress in the worst way—by upgrading Pakistan's nuclear delivery vehicles—its F–16's. This upgrade is not just a reversal of U.S. arms policy, it undermines the very principles of the Nuclear Nonproliferation Treaty. It defies logic that the Clinton administration would work so valiantly to ratify this treaty and then turn around and support a clear violation of that treaty's core principles.

Despite these very disturbing activities, the administration is intent on going ahead with the military transfer—one that does not achieve one credible United States policy initiative, while undermining three vital policies—regional stability in South Asia, containment of Iran, and worldwide nuclear nonproliferation.

Do we have alternatives? Yes. Last week, I called on President Clinton to expand this initiative one step further by pursuing the third party sale option on all the military equipment sought by Pakistan. And as I said with respect to the F–16's, if the administration and the Congress wish to use the proceeds from the third party sales to reimburse Pakistan, I would not object.

Mr. President, let me take a moment to discuss the provisions in the amendment that would repeal nonmilitary sanctions against Pakistan. My colleagues will recall that similar language was offered by my friend from Colorado during consideration of the Department of Defense authorization bill. These provisions, though seemingly well-intended, go too far.

First, this amendment specifically rewrites the Pressler amendment so that the sanctions apply only to military aid. This amounts to an unconditional repeal of nonmilitary sanctions against Pakistan. This is an extraordinary and far-reaching change that could have serious implications.

In fact, this amendment could be used to aid Pakistan's nuclear bomb program. All of us know that scores of nonmilitary items can serve military purposes. Pakistan knows that all to well. Let me provide one specific example: A story in the McGraw-Hill newsletter NuclearFuel, detailed how Pakistan intended to violate a joint venture with Siemens AG by using telecommunications equipment as part of a project to enhance uranium into bomb grade material. I ask unanimous consent that this story be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Nuclear Fuel, Aug. 28, 1995]

SIEMENS VENTURE BELIEVED USED IN PAKISTAN CENTRIFUGE QUEST

(By Mark Hibbs)

Departing from company procurement rules, Pakistan in 1991 used a national telecommunications joint venture with Siemens AG to try to obtain equipment in Germany that export control officials suspect had been sought instead for gas centrifuge rotor assemblies used to enrich uranium.

Intelligence sources said that the case is apparently similar to others in which it is believed Pakistan used legitimate businesses to disguise nuclear procurement. Sources said that in the U.S., Pakistan hid nuclear procurement by giving as the end use a bona fide Pakistan-U.S. program to supply equipment to maintain Pakistan's fleet of F–16 aircraft.

At issue in the German case are specialized ring magnets that Western officials say Pakistan has repeatedly sought from firms in Germany, Britain, and elsewhere in Europe since the mid-1980s for its clandestine uranium enrichment program.

The top magnetic suspension bearing of gas centrifuges built by Pakistan at its Kahuta enrichment plant features a pair of ring magnets. The upper magnet is suspended in a housing containing oil that is resistant to the highly corrosive uranium hexafluoride (UF6) gas fed through centrifuges. The other magnet is fitted to the top end cap of the rotor assembly.

According to Western officials, the Pakistan Embassy in Bonn, on behalf of Telephone Industries of Pakistan (PVT) Ltd., in early 1991 sought ring magnets from the firm Magnetfabrik Bonn (MFB) GmbH. But German experts suspected that the technical specifications given for the magnets did not match the non-nuclear end use cited by the Pakistan firm, and MFB blocked the transfer of the magnets after discussing the matter with German export control authorities. The export had initially been approved by Germany.

Telephone Industries of Pakistan is a joint venture between Siemens and Pakistan's national post, telephone, and telegraph (PTT) organization, and is located in Haripur, Pakistan. Siemens controls 30.02% of the venture. The government-owned Pakistan PTT owns 69.98%.

According to Reiner Schoenrueck, a Siemens spokesman, the Pakistan joint venture makes equipment, including telephones, for digital communications systems. Queried by NuclearFuel, he reported that Telephone Industries is authorized to independently purchase equipment locally in Pakistan. ''But any equipment which Telephone Industries wants in Germany must be obtained through Siemens itself,'' Schoenrueck said, not by the Pakistan government or by officials at the venture's office in Haripur.

NuclearFuel has learned that regardless of these procurement guidelines, Telephone Industries of Pakistan recently renewed independent efforts to order magnet parts in Germany. Current attempts are said to involve items having different specifications than magnets ordered on its behalf in 1991. Sources said the Pakistan firm has given non-nuclear engineering end uses, such as motors and power equipment, for items it now seeks.

In March 1991, Azmat Ullah, an official at the Pakistani Embassy in Bonn, first made contact with MFB on behalf of Telephone Industries of Pakistan to obtain so-called aluminum-nickel-cobalt (Alnico)–260 S-ring magnets. Officials said that, after Pakistan provided a non-critical end use for the magnets, an export permit was awarded by Germany.

However, sources said that in late 1991, after the permit was awarded but before the magnets were exported, the manufacturer became aware of the potential use of ring magnets containing cobalt in gas ultracentrifuges. The company then contacted the Federal Economics Office, now the Federal Export Control Office (BAFA) in Eschborn, responsible for export controls, and the export authorization to Pakistan was rescinded.

Section 0201/2.D of Germany's commodity control list, valid in 1991 when the export was approved, required express authorization for complete magnet assemblies only: ''Liquid-damped magnetic bearings, made of ring magnets, which are mounted in a housing containing a damping medium. The magnet is mounted on a rotor end cap pole piece or coupled to a second magnet.'' According to a spokesman at BAFA, the export to Pakistan of magnets not conforming precisely to these specifications would have been approved provided no ''knowledge'' was available that the equipment would be used in weapons of mass-destruction or that the peaceful end use was ''implausible.''

Western officials said the parts MFB was to make for Pakistan did not fall within 0201/2.D so the export was initially approved. Officials said, however, that the German firm later doubted the peaceful end use given by Pakistan after Pakistan specified that the magnets must feature unusually fine machining tolerances and a capability to withstand exceedingly high rotating speeds.

Pakistan had first indicated that Telephone Industries sought magnets sized at 52 millimeters in diameter and 8 mm in height, with a ring thickness of 36 mm. It later specified a precise diameter of 52.8 mm and a thickness of 36.8 mm and defined fine tolerance requirements in the range of a few hundredths of millimeters.

Azmat Ullah, the Pakistan government employee who sought the ring magnets for Telephone Industries of Pakistan, was listed in the official German register of foreign diplomats for 1991 and 1992 as an attache in the commercial section of the Pakistan Embassy. He left Germany in 1993. According to diplomatic sources, the Pakistani attache had been involved in previous attempts to obtain material in Germany for Pakistan's centrifuge program before he sought the ring magnets. Sources said that in 1985, for example, Ullah had been responsible at the embassy for ordering centrifuge-grade maraging steel produced by Arbed Saarstahl, a German specialty steel producer. The steel is believed to have been intended for making centrifuge rotor tubes for Kahuta.

In early 1992, after the planned magnet export to Pakistan was stopped, MFB alerted other German magnet-producing firms, including subsidiaries of Krupp AG and Thyssen AG, about the intended transaction. In addition to stopping the export from MFB to Pakistan by withdrawing the permit, BAFA also blocked transfer of the ring magnets to Pakistan from all other German firms.

NO CRITICAL MAGNET DEAL WITH IRAN

Contrary to previous non-official reports asserting that German firms contributed recently to an Iranian program to develop gas centrifuges, MFB, which was solicited without success by Pakistan to obtain ring magnets, never supplied any critical magnets or magnetic equipment to Iran, company officials said.

According to customs intelligence documents obtained by NuclearFuel, the Sharif University of Technology in Tehran has tried to obtain nuclear-related equipment from firms in Germany and elsewhere in Europe, including equipment meant to be used for a

centrifuge development program (NF, 28 March '93, 10). On the basis of this information, BAFA will not award export permits for any equipment destined for end use at Sharif University. But the Zollkriminalamt (ZKA), Germany's customs investigative agency, denies that any German firms have exported equipment to Iran's nuclear program over the last 10 years (NF, 10 April '94, 5).

Herbert Krosney, author of the book ''Deadly Business,'' claimed that Sharif University approached MFB for Alnico centrifuge magnets and that the German firm ''received a substantive order from Iran.''

MFB said this month that the statement is false. It asserted that the company never agreed to transact any Alnico centrifuge magnet business with Iran and that MFB was never contacted by Sharif University for any business. Since 1993, MFB has sold some ferritic magnets to Iran. They were not, BAFA ruled, useful for uranium enrichment.

In the wake of information it obtained alleging that MFB had been involved in violations of export rules, Western intelligence sources said, the Oberfinanzdirektlon in Cologne, a customs investigation arm of the Federal Ministry of Finance, searched the MFB premises in 1990, one year before Pakistan attempted to obtain ring magnets from the Bonn company.

According to a statement that company management provided to employees, however, no violations were found and the firm's conduct was judged ''exemplary.''

Mr. PRESSLER. Mr. President, this is just one example. The fact is Pakistan built its current bomb program in part from seemingly nonmilitary transactions. Further, in February 1993, then-CIA Director James Woolsey described for the Senate Committee on Governmental Affairs how untied and seemingly nonmilitary loans and grants could further Pakistan's nuclear program.

Does the Brown amendment require Pakistan to make written and verifiable assurances that seemingly nonmilitary aid will not aid directly or indirectly its bomb program? No.

Again, Mr. President, we cannot escape history. We once before inadvertently aided Pakistan's bomb program. Now, with this open-ended, unconditional repeal of a portion of the Pressler amendment, we are setting ourselves up to make the same mistake yet again. Why would we once again put American taxpayers in the position of aiding Pakistan's bomb program?

Further, let me correct for the record a serious misperception of the Pressler amendment. Some have argued that we need this amendment so that we can provide vital civic and humanitarian assistance to Pakistan. We already can provide that assistance. Current law permits United States aid to Pakistan through nongovernmental organizations in a wide range of areas, including agriculture and rural development, nutrition, human rights, endangered species, and illicit narcotics prevention. Pakistan also continues to receive annually hundreds of millions of dollars in development assistance via multilateral lending agencies to which the United States is a major contributor. The Brown amendment goes beyond even a limited approach, and again would do so without requiring a single nuclear concession from Pakistan.

Mr. President, I strongly respect and admire my friend from Colorado. He sincerely is interested in trying to find ways to improve our relations with Pakistan and improve the conditions for the entire Indian subcontinent. I commend him for proposing a U.S.-led multilateral summit designed to reduce the presence of nuclear weapons in South Asia. I would support such a summit. It represents a more constructive first-step toward what I hope is the elimination of the nuclear threat from South Asia.

But, in this case, we are not moving toward nonproliferation with this particular amendment. We cannot escape history, and I have outlines that history of the Pressler amendment, of which there is much misunderstanding.

Beyond that, my friend from Colorado and I disagree on how best to approach the vexing problems in South Asia. We also need to keep in mind the question of United States—India relations. For more than 40 years, our relations with the world's most populous democracy were difficult, dictated largely by cold war conventional wisdom. Since 1991, our relations have improved markedly. India's economy is undergoing a remarkable transformation, fueled by a nearly five-fold increase in foreign investments from 1990 to 1994. More than one-third of those investments were from American firms. It is my hope that Pakistan can enjoy similar progress in the near future. Economic growth for both countries is the key to long-term regional stability.

One of the lessons of our improved relationship with India is that our actions have a clear impact on Indian public opinion. That certainly is the case in Pakistan as well. Given this impact, I believe that we must pursue our policies in South Asia with great care and great caution. We must ensure that we do not unnecessarily return to the previous, unproductive levels of our relationship. We also must ensure that we do not unnecessarily fuel the already strong tensions that exist in the region.

In conclusion, Mr. President, I must repeat yet again, we cannot escape history—both the history behind us and before us. The history we make today not only will determine the history of tomorrow, but will determine how well we comprehended the hard lessons of history. The Brown amendment is a grim reminder to all of us that those who try to escape history are condemned to relive it. I cannot allow that to happen. We must not ask the American taxpayer to subsidize a bomb program we cannot condone. Nor do we need ask the American taxpayer to subsidize an arms race in South Asia, or the military ambitions of a terrorist state.

Last year, the President states that no single foreign policy issue was more important than nuclear nonproliferation. If that is the case, there is no justifiable reason why Pakistan once again must be exempt from Federal nonproliferation laws or the nonproliferation policies we impose on all other signatories of the Nuclear Nonproliferation Treaty.

Let us give Pakistan some concrete incentives to honor its word.

Let us not reward proliferation.

Since we cannot escape history, let us learn constructively from it.

I urge the defeat of the Brown amendment. I yield the floor.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

ACTION ON AMENDMENT NO. 2721 VITIATED

Mr. BROWN. Mr. President, I ask unanimous consent to vitiate the action on amendment No. 2721. It is my understanding this has been cleared on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2708

Mr. BROWN. Mr. President, I yield myself 5 minutes.

The PRESIDENT OFFICER. The Senator from Colorado is recognized for 5 minutes.

Mr. Brown. Mr. President, the distinguished Senator from South Dakota has raised a number of important points. I will not try to deal with all of them right now, but I do think it is important to respond.

First, let me commend the Senator for his leadership in this area. While we disagree on the particular resolutions of these contract items that have been in dispute for a number of years, I think his efforts toward nonproliferation and his sincerity and hard work in the area are to be commended and reflect great credit on the American psyche in dealing with foreign policy.

Mr. President, there are a couple of things that I think are important to look at, though, that I hope Members will consider.

First of all, statements were made that the amendment is unconditioned and open-ended repeal. Mr. President, I think he was referring to parts of it. But I sincerely believe that is not a fair description of what is anticipated here.

First of all, let me emphasize what the amendment does not do. It does not, in any way, repeal the restriction on military aid or military sales to Pakistan. There are a couple of areas that are clarified, though, and let me be specific about that. The bars and restrictions on aid and sales stay in place. We do a couple of things here. One, we make it clear that parts that had been sent—military parts—to the United States for repair and had never been repaired were be shipped back to them. These are used parts that were not functioning. I suppose we can insist on keeping those used parts here, but it seemed like that should be sent back. I do not think that is an open-ended repeal. That is a disposition of parts that

have been around for a long time and they are sent back unrepaired.

Second, we deal with contracts that are 8 and 9 years old that have been paid for. We allow three-fourths of them—or almost three-fourths of them—to have their money back and not get delivery of the planes. Those are the things that all of the people in the area have looked at and say are the most inflammatory—that is, the F–16. We allow delivery of $368 million of military equipment. Those are on contracts that were executed before the 1990 action under the Pressler amendment.

Mr. President, what this issue is all about is simply and solely saying you are either going to get your money back, or you are going to get the parts back, or you are going to get the things you contracted for. It is simple fairness. We signed a contract to sell military equipment. We have not delivered on it. We have taken their money, and we have refused both to give them their money back and/or deliver on our contract.

All we are trying to do with this is make it clear that we ought to either give them their money back or give them what they contracted for. The compromise, I suppose, somebody could criticize. This was worked out by the President. I do not think the President or the administration claims it is perfect, nor do I.

Mr. President, I do know that the planes amount to almost three-fourths of the entire package. The planes are the things that almost every critic I know of says is the most inflammatory and significant part of the package, and the planes are not delivered. The other parts of the package—and we already quoted from experts that indicate that these are not significant in terms of the military balance of the area. We have already pointed out that India enjoys a two-to-one advantage.

Mr. President, there is another item that I think ought to be at least quoted at this point. The suggestion was that we are already in the process of delivering aid to Pakistan and that it is not necessary to have this amendment. The suggestion was that NGO's are authorized under aid to Pakistan. Indeed, we have NGO's allowed to conduct activity in Pakistan right now. It is on temporary authority, and that authority is on a 1-year waiver and that waiver is not renewed and it runs out. So as far as NGO's being able to operate in the country and deliver aid, which they have talked about, the point is that the facts are exactly the opposite of what was said on the floor. The NGO's are not going to be able to do that. We need this legislation to be able to involve ourselves with Pakistan, and this is to our benefit. I have yet to hear anyone say that cooperating with the Pakistanis in the suppression of the narcotics trade is not to our benefit. It clearly is in our benefit. Cooperating with the Pakistanis in this is in our benefit. So both of those points do not hit the mark.

Let me put a few things in the RECORD, and I will try and do it briefly. I want to quote the Assistant Secretary of State, who responded to the committee's questions.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. BROWN. I yield myself 5 additional minutes.

This is what our Assistant Secretary of State said when asked about the Pakistan question, and particularly why we have been involved in assistance to Pakistan. That was certainly raised by the Senator. I will have more to say about this later. But I want to quote the Assistant Secretary of State on that question of why we aided Pakistan:

> Pakistan undertook substantial risks as our partner in an effort to stand up to the Soviet aggression in Afghanistan during the 1980's. Intrusions into Pakistan airspace by Soviet war planes were common. On several occasions, Soviet military aircraft actually bombed Pakistani facilities along the border in retaliation for Pakistan's assistance to the mujaheddin. I might say it was assistance to us in helping to liberate Afghanistan.

She continues:

> Pakistan was also a target of Scud missiles. During the period, the Soviets also initiated numerous covert actions against the government of Pakistan, including actions aimed at destroying caches of munitions and arms in Pakistan.

Mr. President, this is what Pakistan put on the line. They risked their very existence, they risked military attacks from one of the strongest military powers in the world, the Soviet Union. They did it at our request.

She continues:

> During the Soviet occupation, 5 million Afghan refugees flooded into Pakistan. With the help of the international community, Pakistan provided food and shelter for the refugees. Many remain in Pakistan because of the unsafe conditions in Afghanistan.

To suggest that our aid had nothing to do with the 5 million refugees that came in, I believe, ignores the facts.

She continues:

> Finally, there were widespread fears that the Soviet Union did not intend to stop its expansion into the Afghan border with Pakistan. Many in Pakistan believe that an accommodation with the Soviets was called for and the government was under pressure to follow such a course.

Mr. President, imagine what would happen if the Government of Pakistan—which has been so maligned in the discussions on this issue in this Chamber—would have acceded to people in their country to make an accommodation with the Soviet Union. It is not just the Afghans that would not have an opportunity for freedom today, it is a great many more people in the world.

Mr. President, she concluded her response to that question by this statement:

> The primary purpose of U.S. military and economic assistance to Pakistan during this period was to help Pakistan manage these risks and burdens.

Mr. President, the suggestion that the reason Pakistan got military aid and assistance during this period was solely to stop the development of nuclear weapons I do not believe is accurate. It certainly does not square with this. I do think it is accurate, as Members pointed out, that that was an interest of the United States at the time, that it was hoped that would be a reaction of the Pakistanis. But to say that is the reason for their aid, I do not think that squares with the history and with the statement of the Assistant Secretary of State.

Mr. President, I yield the floor and retain the remainder of my time.

Mr. GLENN. Mr. President, I yield 2 minutes to the Senator from Nebraska.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Nebraska [Mr. EXON] is recognized.

Mr. EXON. I thank my friend from Ohio. Were it not for the fact that I have made a commitment to go to an affair elsewhere in the Capital City, I would stay and become involved in this debate. I am going to be very brief because others here will go into the matter in more detail.

I simply say, Mr. President, that while a case can be made that we need improved relations with Pakistan, from the information that I have, the proliferation arrangement and laws of the United States of America have been violated by arrangement, among others, of shipments of materiel from China to Pakistan. I simply say that while we can make excuses, and while we can say that we need the cooperation of Pakistan with regard to drugs and terrorism, which I agree with, the fact of the matter is that the laws of the United States have been violated.

An official of the Clinton administration called me and asked me to support the Brown amendment. I asked that individual was it not true that the laws had been violated, but the administration, working with the majority in the U.S. Senate, are simply going to wink at that and say, it is OK. It is OK. We are going to make this exception to make them happy.

It seems to me we are setting a precedent here. I do not believe my voice or the voice of others is going to change the vote, but as well intentioned as the amendment offered by the Senator from Colorado is, it is a mistake. It is a mistake entered into by the Clinton administration. They are wrong, in my opinion. I state that as clearly as I can.

What they are doing in this particular case, Mr. President, is simply to offer an alibi to try to soothe the Government of Pakistan.

If our laws with regard to proliferation are going to mean anything, then we have to recognize that both Pakistan and China should be subject to the laws that we enacted in the Congress of the United States and cannot be winked at.

I object to the fact that the Clinton administration is winking, going back

on the laws that we have in our land. I think that is a mistake, Mr. President.

I suspect that the Senate is going to make a mistake because I do not think 5 hours of debate after most people have gone home is going to change any minds.

I simply back the position of Senator GLENN and Senator LEVIN, both associates of mine from long standing on the Armed Services Committee. I hope that the Senate will come to its senses and do an about face on the earlier vote that we had in the Senate on this matter today.

I thank my friend from Ohio. I thank my friend from Michigan. I thank my friend, Senator FEINSTEIN, from California, who I understand is going to speak on this. I thank my friend, LARRY PRESSLER of South Dakota, who was author, I believe, of the law that we have in place.

I simply say, Mr. President, this is a mistake. I hope the U.S. Senate will reverse course, recognize it is a mistake, notwithstanding the pressure that has been brought to bear by the Clinton administration to not change the vote.

Mr. BROWN. Will my good friend from Nebraska yield for a question?

Mr. EXON. I am happy to yield to the Senator.

Mr. BROWN. I know the Senator has had a number of people talk to him, and I did not know if the Senator was aware of subsection 8 where we specifically state, ''Nothing contained herein shall affect sanctions for the transfers of missile equipment or technology required under section 11(B), the Export Administration Act of 1979, or section 73 of the Arms Control Act.''

In effect, Mr. President, what we do is specifically make it clear that the ballistic missile sanctions are in no way affected by this.

Mr. EXON. I say to my friend from Colorado that I think if we get into those kinds of details, we may cloud the central purpose. The central purpose of my opposition to this, notwithstanding the strong feeling about my friend and associate from the neighboring State of Colorado, is that we are violating both the intent and the principles of the law that we have in effect with regard to proliferation. Therefore, this Senator feels it is a mistake.

Mr. BROWN. Mr. President, I yield myself 3 minutes.

Mr. President, I know we want to hear from other speakers, but I did want to respond to a very important point that I think the distinguished senior Senator from Nebraska made.

He is concerned about the potential impact of missile sanctions. Mr. President, I am concerned about that as well.

We have added to this amendment exact and specific language that makes it very clear that nothing in this amendment in any way interferes with the sanctions, should they ever take place.

Members should rest assured that I am very conscious of that, and we have provided specific legislative language to make it quite clear that this in no way waives any sanctions with regard to violations of missile agreements for U.S. legislation.

That point has been raised. The fact is, at least in my view, it is invalid because we specifically made it clear that this in no way interferes with that. Indeed, if they have violated it, they will be sanctioned, and they should be sanctioned.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement from our Secretary of State.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADDRESS BY SECRETARY OF STATE WARREN CHRISTOPHER, ON U.S. NATIONAL INTEREST IN THE ASIA-PACIFIC REGION

QUESTION: Will the Clinton Administration order additional sanctions against China for supplying missile technology to Pakistan and Iran?

Secretary CHRISTOPHER: As I mentioned in my remarks, we are concerned about proliferation issues, and we are certainly concerned about it as they relate to South Asia. We monitor it very carefully and very closely.

At the present time, although there is a fairly large body of evidence, we do not think there is the evidence there that would justify the imposition of sanctions. But I want to assure all that we feel an obligation to keep this matter carefully under review and to follow and comply with the law in this regard.

Mr. BROWN. The question was asked, will the Clinton administration order additional sanctions against China for supplying missile technology to Pakistan or Iran?

Secretary Christopher said, ''As I mentioned in my remarks, we are concerned about proliferation issues, and we are certainly concerned about it as they relate to South Asia. We monitor it very carefully and closely.''

Here is what he says: ''At the present time, although there is a fairly large body of evidence, we do not think there is evidence there that would justify the imposition of sanctions.''

Mr. President, the point is this: The sanctions are for any violation of a missile treaty or missile technology restrictions in U.S. laws. In no way does this amendment interfere with those sanctions whatever. As a matter of fact, the review of the administration in this area has been clear and significant and, if sanctions are justified, they will take place.

I reserve the remainder of my time.

Mr. GLENN. I yield 15 minutes to the Senator from California.

Mrs. FEINSTEIN. Thank you very much, Mr. President. I thank the Senator from Ohio.

Mr. President, I rise in opposition to the amendment offered by the distinguished Senator from Colorado. As the ranking member of the Near Eastern and South Asian Affairs Subcommittee of the Foreign Relations Committee, I have worked closely with Senator BROWN, the chairman of this subcommittee, to try to work toward a more productive United States policy in South Asia.

I respect him and I respect what he is trying to do. However, while there are some issues on which we are in agreement, there are many on which we differ.

Let me first say that I echo the statement of the Senator from Nebraska by saying that I believe the administration is wrong.

I have heard two major reasons put forward as to why we should put this $368 million of military equipment in Pakistan's hands now. The first is, they paid for it, it is the honorable thing to do.

I agree. I will introduce an amendment which will carry with it Sense of Congress language which will say that the President is asked to try to sell the F–16's and return as much of the equity payment made by Pakistan back to Pakistan as possible. I believe that is the honorable thing to do.

The second thing I have heard is that we have to buttress the Bhutto regime. This is what gives me the deepest trouble.

If there is anybody that believes that one stabilizes or buttresses a regime which suffers from instability, in an area where there is a tinderbox of hostilities between two countries, and where both countries have the ability in a matter of days to have a nuclear capacity utilized—I think that is the wrong idea. I could not go to sleep at night knowing this equipment went, and that I voted for it, at absolutely the wrong time. I will explain in my remarks why I believe it is the wrong time.

Sanctions were invoked against Pakistan in 1990 because President Bush could not certify that Pakistan did not possess a nuclear explosive device.

Nothing has changed since that time. To this day, neither President Bush nor President Clinton has been able to make that certification. And today President Clinton cannot make that certification.

So, despite its remonstrances to the contrary, Pakistan to this day continues to develop its nuclear weapons program and has technology imported from abroad. And I believe even today Pakistan is engaged in developing an indigenous capability to produce nuclear weapons—not to have to get the technology from abroad, but to do it right at home.

As late as a couple of months ago, the Prime Minister of Pakistan denied that. That is a problem for me. That is a problem for me, to vote for something which I know will be used for one purpose and one purpose only, and that is probably to attack a neighbor, when I am told an untruth. As Senator GLENN, I believe, will outline, these same statements have been made year after year for the past decade.

So, under these circumstances, I believe it is wholly inappropriate for the United States to release to Pakistan

this military equipment. For us to take this step, Pakistan should make vast improvements in the area of nonproliferation.

I believe that Pakistan has acquired M–11 missiles in violation of the MTCR. Pakistan is subject to MTCR sanctions. We have alleged that China sold these missiles to Pakistan. China is not a signatory to the MTCR. Recently, as a product of negotiations with our State Department, China has agreed to abide by the MTCR. But Pakistan knows better. They are subject to MTCR rules, and every M–11 has inherent nuclear capability. Let there be no doubt about that. So, if one looks at both India and Pakistan, to add weapons at this time is a big mistake.

Let me tell you what the Indian Ambassador has told me. What he has told me is that he believes that the 28 Harpoon missiles which are part of this package, would give Pakistan a standoff capability to which India has no immediate response.

What does this mean? If we do this now, India is a few months before an election. It simply fuels the fires within the Indian political structure and perhaps prompts them to deploy a missile known as the Prithvi, which they have, in response to this. That is a scenario that I find inescapable in the transfer of these weapons.

We can cloak this in any terms we want. But if we know and honestly believe that this might be the result of the delivery of these weapons, why are we doing it? How can we sleep and do it? The P–3C aircraft can launch a Harpoon. The Harpoon also has a surface-to-surface capability. The Indians believe the P–3C can carry the Harpoon from Karachi to Sri Lanka, so it has the distance.

There are certain aspects of the Brown amendment that I support. I certainly share the view that it is desirable for there to be an improvement in the United States-Pakistani relationship. Pakistan is strategically located, has a significant population, it is a good friend in the Moslem world, it is an emerging democracy in a part of the world where we would like to see more democracy.

As has been said, Pakistan has cooperated with the United States in a variety of ways. It is the second largest contributor of troops to U.N. peacekeeping operations. I think that is a big deal. Pakistan has been prepared to put its troops on the line to keep peace in the world, and I, for one, appreciate that.

It has assisted in our antinarcotics efforts, and it has been helpful to U.S. antiterrorism efforts. And it is helpful right now in a very terrible and tragic situation in Kashmir, where one American is still being held hostage.

There is certainly room for more cooperation and the kinds of nonmilitary assistance which would be allowed to resume under this proposal—antiterrorism assistance, antinarcotics assistance, immigration control training, environmental and population assistance, civil aviation cooperation—would not only build even greater cooperation, but they would directly benefit the effort and interests of the United States in a range of areas.

Part of the amendment I will offer will do just that: Take the nonmilitary part of Senator BROWN's amendment and allow it to go ahead. It is my understanding that these types of assistance were never envisioned to be cut off at the time that the Pressler amendment was adopted, so I see no harm and much good that could come by restoring these types of assistance programs to Pakistan.

I was pleased to cosponsor an amendment with the Senator from Colorado in the Foreign Relations Committee to allow this assistance. However, I think we need to tread much more carefully when it comes to military assistance. Returning Pakistan's broken spare parts is, I think, a reasonable gesture of good will—no problem with that. Allowing Pakistan to resume its participation in the IMET military training course will help rebuild the ties between the United States and the Pakistani military, which is important for strategic cooperation. But allowing the transfer of the package of equipment allowed by this amendment is another story.

The Pressler amendment sanctions took effect because our Government in effect knew that Pakistan was not abiding by earlier agreements made with our Government, and commitments made to United States Senators on this floor at that time, in the 1980's. They asked for aid contingent on them not pursuing nuclear weapons, and then they turned around and did just what they said they would not do.

Pakistan needs to make progress reversing that problem, and I believe we would send a dubious message by renewing our supply line to the Pakistani military. As I mentioned, the package transferred under this proposal would include P–3C surveillance aircraft, capable of providing submarine deterrence, which is a major concern to India; the Harpoon missiles; the TOW missile launchers; the spare parts for F–16's; and other sophisticated equipment.

It is not a significant enough package to substantially alter the military balance in South Asia, but it is a change in the military balance of South Asia. Do we want to change the military balance of South Asia shortly before a hotly contested election in India, when we know major candidates running in that race will be forced to respond? They will be forced to respond, and one of the things that has been a goal of American foreign policy is to prevent the deployment of the Prithvi missile. Instead, we are providing the excuse for the deployment of the Prithvi missile, and therefore further escalating and heightening tensions between the two countries.

And there is major tension. There is no subject as sensitive, as difficult, on which the sides are more implacable than the Kashmir problem. You have seen the worst results of that tension in terms of the taking of the hostages, the cutting off of the head of one of them, and the rolling of the head down the street. If that does not demonstrate what feelings are, I do not know what will.

So, I know the Clinton administration does not want to prop up unstable regimes, does not want to put equipment in the middle of a tinderbox, but that is exactly what this does, and there is no way to say it does not. It does.

Anyone who has had the security briefing I think better understands the problem.

So I cannot support a resumption of these arms transfers. The greatest threat of nuclear war on the planet today, I believe, rests in South Asia and rests between India and Pakistan. India has contributed to this tension just as much as Pakistan has. But it is there. It is real. It is palpable and it is fueled by a dramatic ongoing debate which one country views as a major assault on its territorial sovereignty. What else does one need as a precipitant to a conflagration?

So I urge my colleagues to look carefully at this resolution, to look carefully at the list of equipment, at the rockets, at the missiles, at the parts that are being sent in this $368 million transfer. I hope that the Brown amendment might be defeated and that we would have an opportunity to put forward an amendment which would carry forth the economic and the humanitarian, the antinarcotics and antiterrorism portions of Senator BROWN's very well-meaning amendment.

I thank the Chair. I yield my time.

Mr. BROWN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, first of all, I want to say what a great pleasure it has been to work with the distinguished Senator from California. She is bright and thoughtful and she has been very energetic in applying herself to not only the committee work but this particular problem. I have found her to be very thorough and very sincere in the kind of approach she has taken, I might say also very constructive. And I appreciate the fact that she will offer an alternative to Members of the Senate to review that will give them some choices on this issue.

I must say as a Member I have found it a bit difficult to discuss the issue in trying to develop legislation, which I think is our job as legislators, with some Members who simply want to preclude the issue from being reviewed or discussed or legislated on and view the right way to do it is with a filibuster. I believe reasonable men and women can come to a reasonable solution that

is best for our country, and so I welcome her initiatives and I commend her on a very thoughtful approach to it.

Mr. President, I might say my approach all along has been to say, look, what is central here is for the United States to be true to itself. It is not in character for us to take someone's money for a contract and then refuse to return their money or refuse to deliver on that contract. What we need to do is either give them their money back or give them their equipment that they contracted for but not keep both. That I think is simple basic fairness that most Americans would agree with. I believe the Senator from California shares that view. She does have a different view than I in terms of the package, limited package of military equipment that my amendment would deliver.

Mr. President, I will simply add one other comment at this point. It is something of a technical background for Members. I note the distinguished Senator from Ohio is here and he has been a leader in the Senate, and in the world I might say, in terms of nonproliferation.

The MTCR, the Missile Technology Control Regime, has 25 countries—at least that is the latest CRS report—that indicate they are not so much signers but partners, in the parlance of the CRS, and these partners in addition have contacted other countries that do include China, that have agreed to abide by their guidelines. Pakistan is not a partner in MTCR, and they are not listed by the CRS among the countries that have agreed to observe it.

I believe the MTCR is a very important item here for Members to consider. We have statutes that are designed to control this technology. The suggestion has been made by some Members, for whom I have a great deal of respect, there may have been a violation of this statute with regard to China and Pakistan. If that is true, there will be severe sanctions. It is very important to know that the amendment which is before the Senate in no way waives those sanctions. As a matter of fact, it has a separate specific section that makes it crystal clear that nothing in this legislation waives those sanctions.

So should you be concerned about MTCR? Absolutely. But does this amendment in any way interfere with MTCR? Absolutely not. In fact, it does the opposite. It makes it crystal clear if there are sanctions there they have the responsibility to go ahead with them as provided by our law.

Mr. President, I retain the remainder of my time.

Mr. GLENN. Mr. President, I yield 15 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 15 minutes.

Mr. LEVIN. I thank the Chair, and I thank my friend from Ohio. And also let me commend the Senator from Ohio for the decades of work he has put in in the fight against the proliferation both of nuclear weapons, weapons of mass destruction, and means of delivery of those weapons. It is the missiles particularly which we are talking about today, but there are also weapons themselves which are involved in this debate, and nobody has worked harder than the Senator from Ohio to try to address the proliferation concerns which are the emerging threats to this world. The cold war may be over, but the world is a more dangerous place in many ways now than it was before. The reason it is more dangerous in many ways is because of the threat of nuclear weapons, weapons of mass destruction and means of their delivery, the proliferation threat which we face.

The issue is whether we are going to be serious about them. That is really what the Senate is going to decide tomorrow, whether or not we are going to be serious about a proliferation issue which is so clear that I would urge our colleagues to go up to the fourth floor, as about 10 of us have, and review the materials. They are there. The charts are there. They will be there in the morning. Some of us have had this briefing now three times. We can hide our head in the sand and we can say, well, gee, maybe there is not a violation of the Missile Technology Control Regime, which is supposed to be enforced by our export control laws, but I think it is pretty difficult to do that after the briefings that we have received.

Now, that is my conclusion. Maybe others can reach different conclusions. It is difficult for me to see how any of us can reach a different conclusion, but it is more difficult for me to see how we would not at least go up to the fourth floor and expose ourselves to those materials which are there very clearly for each Member of this Senate to see and consider.

If there is no more serious issue than proliferation—and I do not know of too many issues that are more serious—surely it is worth a visit to the fourth floor to review the intelligence reports on the question of whether or not China has delivered, transferred to Pakistan missiles or missile components which exceed the limits which are provided for in the Missile Technology Control Regime.

Now, our good friend from Colorado has given a bunch of reasons that we should proceed with the sale of this equipment to Pakistan. Pakistan is an ally; that is true. Pakistan has supported common goals in Afghanistan; that is true. Of course, it was in their own self-interest to pursue those goals, but nonetheless they were common goals and she pursued them. Pakistan, indeed, supports multinational peace enforcement. So do we.

I hope it is in her self-interest to do that. But the fact that we have a common interest in that is given as a reason for why we should proceed with the sale of this nature.

I think the other point that the Senator from Colorado makes, which is one I share, which is that it is not in our character to take folks' money and then not deliver the product, I must say in this regard I think that the Senator from Colorado is correct, that if equity requires that we not allow that money to be kept at the same time that the delivery has not been made, then true to ourselves, whatever portion of that money equity requires be returned to Pakistan should be returned to Pakistan.

But that is not the issue here tonight either. The Senator from California is going to be introducing an amendment tomorrow which will take us down that path which is the path of being true to ourselves and our laws on exports at the same time living up to a moral obligation to be true to ourselves to not take money from folks and not deliver the product.

Now, I believe that the Senator from California's amendment tomorrow is going to be worded in such a way that whatever funds equity requires be returned to Pakistan, or words to that effect, should be returned to Pakistan. And I would be supporting that amendment because that is the way we can be true to ourselves in all regard.

We can make sure that we enforce our laws against proliferation at the same time we do not take money which does not belong to us and keep money which does not belong to us. But we can do both.

The issue in this amendment tonight that we are debating, the Brown amendment, is whether or not we are going to ignore our law relative to the proliferation of missiles by authorizing the shipment of military equipment which, if Pakistan received missiles that exceed the limits in the missile technology control regime, could not be properly sent to Pakistan.

Now, our law is clear. It is the Arms Export Control Act. The law says that sanctions will be applied to those who export, transfer or trade in certain areas. And then they refer to the missile technology control regime annex. And that missile technology control regime is very specific, that if missiles or components of technology have a range of more than 300 kilometers and a payload of more than 500 kilograms, then that is violative of the missile technology control regime and then people who export, transfer or trade that type of missile or components for those missiles or technologies for those missiles will be subject the sanctions. It does not say ''may be subject to sanctions,'' by the way. It says the President ''shall impose sanctions'' in that event.

Now, that leaves it up to each of us to reach our own conclusion as to whether or not missiles have been transferred to Pakistan which exceed those limits. If so, our law does not permit the transfer of the equipment which would be allowed under the Brown amendment. Our law just simply does not permit that.

Now, maybe individuals can conclude that the evidence is not clear on this issue, that Pakistan has received missiles of this range and payload. And if an individual, a Member of the Senate, can go up to the fourth floor and reach that conclusion, it seems to me they could then support the Brown amendment. But I would urge Members to do that. I have done that now twice. I have had a third briefing on top of that. I cannot in good conscience reach any conclusion such as that, or come close to it. It is not even, to me, a close question.

I think in order for a person to conclude anything other than what I have concluded would require absolutely closing one's eyes to the extraordinarily clear evidence on this subject. What is that evidence? We are not allowed to describe that on the Senate floor. It is classified. We can describe our own conclusions, and we have. We can urge our colleagues to go and review that evidence—it does not take long—and reach their own conclusions, which surely our colleagues I believe should do. But the issue here is so important. It is a proliferation issue that it is incumbent upon those of us who have seen that briefing to urge our colleagues tomorrow morning, prior to the vote, to take a few minutes and go up and look at those materials in room S–407.

Now, our good friend from Colorado—I must commend him for a lot of reasons—he has applied an intellectual acumen to this matter as well as his own great spirit which makes it always difficult for those of us who disagree with him to disagree with him, because he is a man of great reason and a man of great integrity. He has pointed out in his amendment that it specifically says that ''nothing contained herein shall affect sanctions for transfers of missile equipment or technology required under section 11B.'' And that language is indeed in his amendment.

The problem is that his amendment does affect sanctions. The words in section 8 which I just read, which says nothing shall affect sanctions, are the words. But actions speak louder than words. The action part of this amendment is earlier in the amendment when it says that military equipment, ''other than F–16 aircraft, may be transferred to Pakistan pursuant to contracts for cases entered into before October 1, 1990.'' So the words in subsection (h) which say that ''nothing contained herein shall affect sanctions'' are contradicted by what is contained herein, which is the authority to transfer military equipment to Pakistan. That is the action part of the amendment.

How I wish it were true that nothing herein affected sanctions for transfers of missile equipment required under section 11B. If there were nothing in here which affected our missile technology control regime, if there were nothing in here which affected our Arms Export Control Act, there would not be any opposition to the Brown amendment on this floor. The problem is that this very amendment, by authorizing the transfer of military equipment to Pakistan, is undermining the Arms Export Control Act which says that this equipment shall not be transferred if—this is the big ''if''—if, in fact, Pakistan has received missiles or components or technology within the missile technology control regime. That is the ''if.''

Each one of us can reach our own conclusion. I think the conclusion is so crystal clear that there is not much room for doubt. The Secretary of State apparently has said that there is enough doubt in his mind that he has not yet reached that conclusion. How he has been able to say that in light of all that evidence beats me. But I hope everybody will reach their own conclusion. But this issue is so critically important, this proliferation issue, that it requires each of us to focus on that evidence, reach our conclusion, and if the conclusion is that, in fact, missiles have been transferred and if the conclusion is that they have a range and payload that exceeds the missile technology control regime, then it seems to me that the Brown amendment must be defeated.

And so, Mr. President, again, let me commend the Senator from Ohio, thank him for yielding me time. I also want to thank the Senator from California for the amendment which she is working on which will give us an opportunity to do two right things: One is to live up to our own Arms Export Control Act and to do the right thing on proliferation at the same time that we do what equity requires relative to the return of any funds that indeed equity might require be returned to Pakistan. We cannot do both things.

The Senator from California will be offering an amendment which will allow us to do both things, but the amendment before us puts us on a very, very difficult road which I think undermines the deep concerns which every Member of this body feels about proliferation.

Mr. HARKIN. Will the Senator yield?

Mr. LEVIN. I not only yield, I am happy to yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BROWN. Mr. President, the distinguished Senator from Vermont wants to make a brief presentation. While I have indicated to the Senator from Iowa that he would be next, with his acquiescence, I yield 5 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 5 minutes.

Mr. JEFFORDS. Mr. President, I will be brief, as I have to take the chair as soon as I can.

PRIVILEGE OF THE FLOOR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that John F. Guerra, a Pearson fellow on my staff, be granted the privilege of the floor for the pendency of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I will be brief. First, I will support the amendment of the Senator from Colorado, but I also will take a moment to commend the Senator from Kentucky [Mr. MCCONNELL] for the time and hard work he and his staff put into crafting this legislation. He has done a commendable job with a tough assignment: to reduce our expenditures on foreign aid by a significant amount without compromising national interests. I appreciate his willingness to work with all of the members of the subcommittee to craft a bill that meets the budget allocation and comes to the floor with a broad backing of both the Appropriations Committee and a majority of the foreign assistance community.

Let us look at the big picture for a moment. We have committed ourselves to reducing the crippling Federal deficit, and failure to do so would irrevocably cripple our Nation and our economy for years to come.

Yet, we must not blindly slash spending across the board. We must carefully review our priorities and assign our limited funds accordingly.

I have been arguing for some time that education must be one of our top priorities. Spending on education is only about 3 percent of the entire Federal budget. Yet, if we do not prepare our children for the future, we will be unable to maintain our standard of living.

I am concerned that the quality of our educational system is falling behind that of our major international competitors, and if this trend continues, we will find ourselves severely handicapped in our efforts to maintain a position of economic leadership and our standard of living.

The other very small, yet very important, area of Federal spending is foreign aid. While many Americans think we spend about 15 percent of our budget on foreign aid, in truth foreign aid comprises only 1 percent of the budget. And this small investment is being cut in this bill by almost 10 percent. Foreign aid is doing its share in contributing to deficit reduction.

Yet, there is a danger in cutting these accounts too deeply. Much of this funding goes to meeting basic human needs abroad and to empower people to take control of their own development. If we do not make a modest contribution to the efforts of certain less developed nations to get their societies and economies on the right track, then we will lose out as these markets open to foreign business. If we do not increase our exports, we will not be able to maintain our standard of living. It is that simple.

Let me touch briefly on a few of the concerns I have with the bill. I am confident that the chairman and the ranking member will continue to work with me and other Members to address the

issues as we move through the process. While I am appreciative of the efforts that have been made to increase the funding for international organizations and programs account, more needs to be done. The funding is highly leveraged in most cases by funding matches from many other countries that share these development and environmental priorities.

I hope we can address this issue further as we move through this process. Otherwise, I worry that we may jeopardize the very good work done by many international organizations, including those ably led by Americans.

Let me mention the consolidation of the development assistance and economic support fund into a single assistance account. That dissolves the well-established separation between those two distinct aspects of U.S. economic aid. I am worried this change makes developmental assistance vulnerable, especially in the event of emergencies, to short-term pressures at the expense of long-term goals.

I understand the chairman's reasons for including both the development fund for Africa and the child's survival program in the new bilateral economic assistance account. However, I trust that as we move through the process, every effort will be made to protect these programs from any further reductions. It is critical that the funding for these neediest individuals and the neediest continent be preserved.

The cut of $28 million below the administration's request for voluntary funding for the peacekeeping account is also of concern. International peacekeeping is a great way of leveraging our defense expenditures and reducing the exposure of our troops, while helping to resolve conflicts of direct concern to us. It is one of the most cost-effective methods of increasing capabilities while sharing the burden in situations that demand our attention.

Mr. President, I want to again commend the Senator from Colorado for raising and discussing very eloquently this very difficult and important amendment. I also again want to commend both the chairman and ranking member of the subcommittee for their efforts in crafting a bill under extremely difficult circumstances.

Mr. President, I yield back the remainder of my time.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, we have been trading back and forth. I have committed to the Senator from Iowa. I certainly will understand if the distinguished Senator from Ohio——

Mr. GLENN. That is all right.

Mr. BROWN. Mr. President, I thank him and thank him for his generosity in allowing us to proceed. I yield now to the Senator from Iowa such time as he may consume.

The PRESIDING OFFICER (Mr. JEFFORDS). The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the Senator for yielding me this time.

I am proud to join with my colleague, Senator BROWN, in cosponsoring this amendment to the foreign operations bill. I think this amendment by Senator BROWN is the first step in moving toward a stronger and more flexible relationship with Pakistan, and I commend the Senator for all of his work on this important issue.

First, I will just say that some may call this a pro-Pakistan amendment, implying this is to help Pakistan and nothing more. Quite frankly, I see this as a pro-American amendment that strengthens U.S. interests and objectives in a vital region of the world.

I am sorry I was not able to be here for some of the earlier statements that were made, but I was here for most of the comments made by my colleague from Michigan. As I was listening, I was jotting down some notes. I could not help but think, as the Senator from Michigan, my good friend, was speaking, that the missile technology control regime only covers exports and imports. It obviously does not cover missiles developed in the country.

The question I was going to pose to the Senator from Michigan when he yielded the floor was whether or not the Senator from Michigan would be willing to extend these kinds of sanctions to India, even though it is not under the MTCR? We understand that. But nonetheless, a duck by any other name is still a duck, and when you are talking about missile technology and throw weight and whether or not you have the capability of delivering certain types of weapons, then certainly India has proceeded down that path.

MTCR, as we know, only covers imports and exports, but when you are talking about sanctions in terms of a missile regime, I think you have to look at it more broadly than that. So, again, if you are going to have sanctions, why not have sanctions on India, too? I rather doubt the Senator would be in favor of that.

But I say to my friend from Michigan that I think—and I checked this; it has been checked by staff with the State Department—that the major flaw in the argument of the Senator from Michigan is this: If there are violations, would the MTCR prohibit only all new licenses to Pakistan and China? The items we are talking about here were already licensed in the 1980's. These are old licenses, not new.

So my point is that even if MTCR sanctions were imposed tomorrow, all of these items could still go to either Pakistan or to China.

So the Senator from Michigan made an interesting statement, but it just does not comport with the facts and with what MTCR covers.

Mr. President, again, whether or not this evidence exists, let me read here a statement made by Secretary Warren Christopher on July 28, 1995, this summer, to the National Press Club.

Here was the question:

Will the Clinton Administration order additional sanctions against China for supplying missile technology to Pakistan and Iran.

Secretary CHRISTOPHER. As I mentioned in my remarks, we are concerned about proliferation issues, and we are certainly concerned about it as they relate to South Asia. We monitor it very carefully and very closely.

At the present time, although there is a fairly large body of evidence, we do not think there is the evidence there that would justify the imposition of sanctions. But I want to assure all that we feel an obligation to keep this matter carefully under review and to follow and comply with the law in this regard.

Mr. President, I ask unanimous consent that this statement appear at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADDRESS BY SECRETARY OF STATE WARREN CHRISTOPHER ON U.S. NATIONAL INTEREST IN THE ASIA-PACIFIC REGION, NATIONAL PRESS CLUB, WASHINGTON, DC.

Question. Will the Clinton Administration order additional sanctions against China for supplying missile technology to Pakistan and Iran?

Secretary CHRISTOPHER. As I mentioned in my remarks, we are concerned about proliferation issues, and we are certainly concerned about it as they relate to South Asia. We monitor it very carefully and very closely.

At the present time, although there is a fairly large body of evidence, we do not think there is the evidence there that would justify the imposition of sanctions. But I want to assure all that we feel an obligation to keep this matter carefully under review and to follow and comply with the law in this regard.

Mr. HARKIN. Mr. President, again, Secretary Christopher said, as late as July 28, there was not enough evidence that would justify the imposition of sanctions.

That is really kind of what we are talking about here. Again, my friend from Michigan mentioned something in his comments about the transfer of missiles and missile technology. All I can say is that the last paragraph of the amendment is very clear and unequivocal. It says:

Nothing contained herein shall affect sanctions for transfers of missile equipment or technology required under section 11B of the Export Administration Act of 1979 or section 73 of the Arms Export Control Act.

You cannot get much clearer than that. Again, I think the Senator from Michigan sort of raised a kind of straw man here because, obviously, the amendment offered by the Senator from Colorado is explicit in its last paragraph in saying that nothing herein shall violate the Arms Export Control Act.

Next, Mr. President, in case anybody says, ''Well, that was July 28 that Secretary Christopher made those comments,'' I have a copy of a letter here to the majority leader, Senator DOLE, from Secretary Christopher, regarding several issues, one of which is the issue regarding Pakistan. Let me read this paragraph that is in the letter dated September 20:

We appreciate the bipartisan interest we have seen in improving our relationship with

Pakistan. We would support an amendment that would permit aid to Pakistan that is in our own interest, such as trade promotion, counternarcotics assistance, and counterterrorism programs. We also support language that would allow for the return of military equipment for which Pakistan has already paid.

That is what is in the Brown amendment.

To engage Pakistan on issues of concern to us, including non-proliferation, it is essential to resolve this unfair situation.

That is dated September 20.

Mr. President, I ask unanimous consent that that be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SECRETARY OF STATE,
Washington, September 20, 1995.

DEAR SENATOR DOLE: As the Senate begins consideration of the FY 1996 Foreign Operations Appropriations bill, I would like to address several issues in the version of the bill as reported by the full Appropriations Committee.

At the outset I would like to thank Chairman McConnell and Senator Leahy for their willingness to work with us and to include priority initiatives such as a long-term extension of Middle East Peace Facilitation Act (MEPFA) and a drawdown authority for Jordan in the subcommittee mark. We would oppose any amendments that would alter the carefully negotiated language for either of these initiatives. Also, we appreciate the Subcommittee's removal of objectionable conditions adopted by the House on population assistance and aid to Turkey, Haiti, and Mexico. We hope to continue in this cooperative fashion to produce a Foreign Operations bill that can be presented to the President with bipartisan support.

Despite the favorable aspects of the legislation, there are several items that are of great concern to be Department of State. The funding levels throughout the bill are well below the President's request level. The Foreign Operations cuts, coupled with the cuts being proposed to international programs in the Senate's Commerce, Justice, State Department Appropriations bill, represent a serious threat to America's leadership in international affairs.

The bill also contains numerous earmarks and substantially restructures our foreign aid accounts. We expect international agencies to do their share in the effort to balance the budget as the President's budget plan makes clear. However, we, the Administration, should have the flexibility to apply funds to the programs that provide the best results. Earmarks in our programs for the New Independent States, International Counternarcotics, and economic assistance would prevent us from being able to respond to the crises and unexpected requirements of the post-Cold War world. Further, the proportionality requirement in the new Economic Assistance account restricts our ability to change the distribution of these funds from year to year. We oppose these restrictions.

The bill also contains a number of objectionable policy provisions. Retrictions on our ability to contribute to the Korean Energy Development Organization (KEDO) would, in effect, prevent U.S. funding of KEDO and greatly hinder, if not destroy, the international effort to implement the Agreed Framework. We oppose linking KEDO funding to substantial progress on North Korean/South Korean dialogue. Imposing an artificial and unrealistic deadline on North/South talks, which have taken years to progress, will hold hostage the very funding that will facilitate the progress we all so desire. We remain convinced that the North/South dialogue will move forward substantially as a result of the Agreed Framework and the creation of KEDO. Our failure to contribute to KEDO will threaten its ability to meet its obligations under the Framework and, consequently, invite North Korean non-compliance. The Agreed Framework is working. North Korea has frozen its nuclear weapons program. We need Congressional support for KEDO to keep the freeze in place.

Regarding assistance to the New Independent States (NIS) and Russia, we have reached a critical moment in the reform process. Continued funding is essential. It can make a major difference in whether reformers in Russia, Ukraine, Armenia, Moldova and other states will be able to maintain momentum, or the opponents of reform will halt the development of democratic market societies. We need to stay the course for this transitional period, while normal trading and investment relationships develop in the former Soviet states. We very much appreciate the continued support we have received from the Congress, and the Senate Appropriations Committee in particular, for this critical effort, as reflected in this bill.

At the same time, however, we oppose new conditions on assistance to the NIS. It is of course tempting to withdraw our assistance as punishment when we do not agree with Russian actions or policies. But this would be a mistake. This assistance is in our national interest. Cutting or restricting aid would hurt reformers, the very people who have protested the war in Chechnya, criticized Russia's proposed nuclear sale to Iran, or insisted that Russia end cooperation with Cuba. We urge you to remove such conditions from this bill. Let me assure you that we share your concerns about Russia's policies in these areas; that is why we continue to work on other fronts to stop the Russian nuclear reactor sale to Iran and to prevent completion of the Cuban reactor project.

We also urge you to restore the national security waiver for the certification requirement on violations of territorial integrity, which has been removed from the Senate version of this bill. It is important that the President retain the ability to determine whether the national security of the United States justifies a waiver of this requirement. Moreover, removal of the waiver provision could have unintended consequences, such as prohibiting humanitarian assistance to the victims of regional conflicts in countries such as Armenia.

The language regarding restrictions on the terminaiton of sanctions against Serbia and Montenegro also reflects objectionable House language carried over in the Senate bill. The recent combination of NATO's resolve and energetic United States leadership on the diplomatic front has led to some encouraging opportunities for a negotiated settlement to the conflict. To prematurely close off any avenues that may lead to a diplomatic settlement, including adjustments to the sanctions regime against Serbia, would complicate our efforts.

We appreciate the bipartisan interest we have seen in improving our relationship with Pakistan. We would support an amendment that would permit aid to Pakistan that is in our own interest, such as trade promotion, counternarcotics assistance, and counterterrorism programs. We also support language that would allow for the return of military equipment for which Pakistan has already paid. To engage Pakistan on issues of concern to us, including non-proliferation, it is essential to resolve this unfair situation.

There remain other problematic issues in the bill, but we are encouraged by the willingness of the bill's managers to work with us, and we hope that these other issues can be resolved on the Senate floor or in conference.

Sincerely,

WARREN CHRISTOPHER

Mr. HARKIN. Mr. President, last, regarding the letters, in making the point that the points of the Senator from Michigan are not in keeping with the views of the Secretary of State or of this administration, let me also read from a letter dated August 2 from the Secretary of Defense, William Perry, to the chairman of the Armed Services Committee, Senator STROM THURMOND. Again, I will read the first paragraph:

For the past six months, the Administration has wrestled with the difficult problem of trying to build a stronger, more flexible relationship with Pakistan—an important, moderate Islamic democracy in a troubled region which has been a long-time friend and has become a major partner in peacekeeping operations—while promoting the very important nonproliferation goals of the Pressler Amendment.

Then he went on in the letter to point out basically what is in the amendment and what the President would support. And then Secretary Perry says this:

While we recognize this is not a perfect solution, it is, we believe, the course which will best help us resolve a difficult problem with a country which has long been a friend. This is an effort to resolve issues involving ''fairness'' that have become a major irritant in our relationship with Pakistan—it is in no way an effort to resume a military supply relationship. Meanwhile, our ability to work with Pakistan to achieve nonproliferation goals is eroding. The status quo, unfortunately, offers few incentives for future cooperation or restraint by Pakistan—or by India, whose nuclear and missile programs are also of concern. If we succeed in putting this issue behind us, we will be in a better position to engage Pakistan in a constructive way on issues of concern to us, particularly nonproliferation.

Mr. President, I ask unanimous consent that this entire letter to Senator STROM THURMOND, dated August 2, 1995, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, DC, August 2, 1995.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services,
Washington, DC.

DEAR MR. CHAIRMAN: For the past six months, the Administration has wrestled with the difficult problem of trying to build a stronger, more flexible relationship with Pakistan—an important, moderate Islamic democracy in a troubled region which has been a long-term friend and has become a major partner in peacekeeping operations—while promoting the very important nonproliferation goals of the Pressler Amendment.

Based on a detailed review within the Administration and consultations with Congress, the President had decided to address this matter on three fronts:

First, he strongly supports provisions already contained in the House and Senate versions of the Foreign Aid Authorization

bill that would permit us to resume economic assistance and limited military assistance affecting clear U.S. interests (including assistance in peacekeeping, counterterrrorism and counternarcotics as well as IMET).

Second, the President has decided to seek authority, as provided by an amendment to be proposed by Senator Brown, that would release approximately $370 million worth of embargoed military equipment purchased by Pakistan before the imposition of Pressler sanctions. This authority would specifically exclude the release of the F–16s. Among the items that would be released are three P–3C Orion maritime patrol aircraft, Harpoon anti-ship missiles, counter-mortar radars, howitzers, and support kits for F–16s and Cobra helicopters already in the Pakistani inventory. These items will not disturb the conventional arms balance in South Asia which overwhelmingly favors India.

Finally, the President has decided that, rather than releasing the 28 F–16s to Pakistan, he will seek to sell them to a third country and deposit the proceeds of any sale in the Pakistan Trust Fund to reimburse, as much as the sale permits, Pakistan's investment in these aircraft.

While we recognize that this is not a perfect solution, it is, we believe, the course which will best help us resolve a difficult problem with a country which has long been a friend. This is an effort to resolve issues involving ''fairness'' that have become a major irritant in our relationship with Pakistan—it is in no way an effort to resume a military supply relationship. Meanwhile, our ability to work with Pakistan to achieve nonproliferation goals is eroding. The status quo unfortunately, offers few incentives for future cooperation or restraint by Pakistan—or by India, whose nuclear and missile programs are also of concern. If we succeed in putting this issue behind us, we will be in a better position to engage Pakistan in a constructive way on issues of concern to us, particularly nonproliferation.

The second aspect of this three-part effort—embodied in Senator Brown's pending amendment to provide authority to release the embargoed Pakistan equipment other than the F–16s—may be coming to a vote very shortly. I urge you to support our efforts to resolve this problem by supporting Senator Brown's amendment when it is offered.

Sincerely,

WILLIAM J. PERRY.

PUTTING THE RELEASE OF EMBARGOED PAKISTANI EQUIPMENT INTO PERSPECTIVE

The total package has a value of $368 million—not $700 million as has been reported.

Although the P–3C Orion provides a long-range offensive capability, three aircraft would hardly disturb India's nearly 2 to 1 advantage over Pakistan in naval systems:

It is claimed that the P–3s provide a ''lethal stand off capability'' against Indian naval targets as far south as Cochin; however, it should be noted that because the Pakistan Navy has no aircraft carriers (of which the Indian Navy has two), the Pakistanis would be unable to provide fighters to escort these slow aircraft when operating at such a great distance from Karachi—thus leaving them vulnerable to interception by either land-based Indian Air Force fighters or carrier based Indian Navy aircraft.

It is incorrect to say that the P–3C represent a new weapons system for the region as the Indian Navy already has two squadrons of similar maritime patrol aircraft that include five Il–38 (the Russian version of the P–3) and eight Tu–142 *Bear* F aircraft. While these aircraft do not have a system equivalent to the Harpoon, they do have equipment to locate submarines and are capable of launching torpedoes.

The Indian Navy also possesses an anti-ship missile, the *Sea Eagle*, which is similar to the Harpoon. Although not capable of being launched from the maritime patrol aircraft mentioned above, the Indian *Sea Eagles* can be carried on the *Sea Harrier* jets and the *Sea King* helicopters which operate from India's two aircraft carriers—thus giving the Indian Navy a more formidable long-range strike capability than that provided by three P–3s.

C–NITE would enable Pack Cobra helicopters to launch TOW 2 anti-tank guided missiles at night; however, these 19 helicopters, so equipped, would hardly offset India's 2 to 1 advantage (by over 2000 tanks) over Pakistan.

The Pakistani F–16s are already equipped with the AN/ALR–69 radar warning receiver and AN/ALQ–131 electronic counter measures jamming equipment. These are defensive rather than offensive systems. The ALR–69 alerts the pilot that a radar has ''painted'' his aircraft; the ALQ–131 electronically deflects the hostile missile. The ALR–69 and ALQ–131 kits that would be released would enhance the reliability of these systems rather than provide any new military capability.

Since Pakistan has previously received over 200 AIM–9L air-to-air missiles, the release of 360 more will not provide any new capability. Furthermore, India will still enjoy an almost 2 to 1 advantage in jet combat aircraft over Pakistan to include a better than 2 to 1 advantage in aircraft equivalent to the Pakistani F–16s (i.e., MiG–29 and Mirage 2000).

The 24 howitzers that would be released to Pakistan are M198 155 mm towed howitzers. Given the fact that the Indian Army has over 3000 towed artillery pieces (almost twice the number in the Pakistani inventory), 24 more will not make a significant difference. It should be noted that during the nearly five years that these howitzers were embargoed, India acquired over 250 equivalent artillery pieces from Czechoslovakia and Russia/USSR.

In regard to MK–46 torpedoes, Pakistan will receive parts that constitute less that one operational MK–46.

As for the 2.75'' rockets, these constitute a resupply of ammunition for one of the weapons systems on the Pakistani Cobra helicopters—they do not give Pakistan any new capability.

Mr. HARKIN. Mr. President, I wanted to make those points up front to adequately refute, I think, some of the points made by my friend from Michigan. This basically is, as the Senator from Colorado has stated so many times, a basic issue of fairness. Pakistan has been a long-time friend and ally of the United States.

I know the hour is late, but I think it is important that, once again, we review a little bit of history so that we do not kind of operate in a vacuum, as though Pakistan was born yesterday, or that somehow our relationship with Pakistan just started.

This is a relationship that goes back a long way. At the time of its independence, in 1947, Pakistan made a conscious choice to promote friendship with the United States rather than the Soviet Union. The first Prime Minister of Pakistan, Liaqat Ali Khan, chose to undertake his first overseas visit to the United States instead of to the Soviet Union, despite efforts by Moscow to entice him there. While in the United States during 1950, the Prime Minister explained to various American audiences that the principles on which the nation of Pakistan was based were as compatible with the political, economical, and ideological goals of the United States as they were incompatible with communism. He expressed that it would be the view of his government to ''throw all its weight in the effort to maintaining stability in Asia.''

In a speech to this Congress, Prime Minister Liaqat Ali Khan proclaimed that ''no threat or persuasion, no material peril, or ideological allurement could deflect Pakistan from its chosen path of free democracy.''

Pakistan lived up to its commitments later on in June of 1950 when it declared its unqualified support for the United States in our war in Korea and backed us in that war.

In 1954, they joined the Central Treaty Organization. In 1955, they joined SEATO. These two American-backed alliances were aimed at the containment of communism and were very successful. In 1959, our two countries signed a Mutual Defense Treaty, which is still operational today. So this is a long history.

Again, some will say, well, Pakistan has had military dictatorships and violations of human rights. Listen, I understand that. But I believe that the freedom advocates in Pakistan have been at it continually. They have been assassinated and tortured, but they continue to struggle for democratic freedoms in that country. Those are the ones about whom I spoke, not the military dictators, not the repressive forces in Pakistan, of which there are more than just a few, but to those brave people of Pakistan who, through all of this, continue to struggle and to fight and to maintain an adherence to democracy. In 1960, Pakistan's commitment, its friendship to the United States was put to a very severe test.

Again, in accordance with the Mutual Defense Treaty, Pakistan allowed us to set up some bases. One of them was a base from which we flew our U–2 flights over the Soviet Union and one of those flights, as we all too sadly remember, was shot down by the Soviets. Francis Gary Powers was the pilot. We all know how the Soviets paraded him as one of their trophies.

Soviet leader Nikita Khrushchev turned his ire on Pakistan because he knew that is where the plane left from. He threatened to use nuclear arms and weapons against Pakistan. He boasted that the City of Peshawar would be wiped off the face of the earth because that is where the base was. The former Foreign Minister of Pakistan, in his recently published account of the incident, describes the cool and confident reaction of the then-President of Pakistan, who dismissed the Soviet threat by saying, ''So what?''

Again, put yourself in that context. Korean war, Mutual Defense Treaty, allowing us to base our U–2 flights here. They are bordering right on the Soviet Union, and yet they stood by us.

Pakistan again came to the help of the United States by helping to facilitate the crucial opening of American relations with China. In 1970, then-Secretary of State Henry Kissinger undertook a secret visit to China from Pakistan. Thus, again, Pakistan served as that vital bridge between the United States and China. Again, it was critical in the cold war to restrain the Soviet Union.

Moscow began to speak of the Washington-Beijing-Islamabad axis. Again, it was only Pakistan which bore the brunt of Soviet anger when Moscow signed the defense treaty with India, and through a massive transfer of arms as well as political support which enabled India to invade East Pakistan in 1971.

Regrettably, the United States stood by even though we had a mutual defense treaty with Pakistan at that time.

In 1979, once again Pakistan's friendship with the United States was put to a severe test when the Soviet Union invaded Afghanistan. Over the next decade, Pakistan joined the United States in helping to roll back Soviet communism and expansion. It did so at great cost. Not only, again, did the Soviet Union threaten Pakistan with dire consequences, but launched a campaign of subversion and terror against Pakistan. The country experienced numerous violations of its ground and airspace, terrorist bombings, subversion.

To add to these problems, Pakistan provided refuge to more than 3.2 million Afghans at great political and economic cost to itself. Think about that, Mr. President: 3.2 million Afghans sought refuge in Pakistan.

Pakistan continues to pay the price for the role it played in the defeat of the Soviet Union in Afghanistan. But they stood by us and they helped. Ironically, however, this successful cooperation between Pakistan and the United States was followed by the worst period in their bilateral relations with our country with the imposition of the Pressler sanctions against Pakistan in 1990.

Even despite this development, Pakistan continued to seek friendly relations with the United States and came to our assistance whenever we requested. Pakistan made significant troop contributions to the multinational forces during the gulf war to liberate Kuwait. At the political level, Pakistan not only condemned the Iraqi invasion of Kuwait but was instrumental in promoting the U.N. efforts for the liberation of Kuwait.

Again, Pakistan took a lead role in the peacekeeping operations in Somalia, serving together with American troops in that country. It was not the first time that American and Pakistani soldiers died together for the same cause.

Again, at our request, Pakistan has been at the forefront of contributing to U.N. peacekeeping operations. Pakistan forces have been deployed for peacekeeping purposes in Bosnia, Liberia, Haiti. Pakistani troops were in Haiti, helping us to restore democracy to Haiti, Western Sahara, Mozambique, Georgia.

Recently, the United States and Pakistan have also joined hands in the fight against terrorism and narcotics. Recently, and in cooperation with American personnel, Pakistan recently apprehended Ramzi Yousaf for alleged involvement in the World Trade Center bomb blast, and Pakistan has extradited over half a dozen drug barons to the United States in our joint counter-narcotics drive.

Again, Mr. President, I recite all this. I know a lot of people know this history, but maybe too many of us have forgotten, and we have forgotten what a close friend and ally Pakistan has been.

Again, as a moderate democratic Islamic country, Pakistan is the only tried and trusted friend that we have in that Islamic world. The recent visit of Prime Minister Bhutto clearly demonstrated that Pakistan's commitment to friendship with the United States remains as strong as it was during the cold war.

Mr. President, with this kind of history, for the life of me, I cannot understand why we continue to treat that country as we do. Again, I am only talking again about fairness. Secretary of State Christopher said that. It is an issue of fairness. Secretary of Defense Perry said it is a question of fairness and a question of our relationships with Pakistan.

Mr. President, again, neither India or Pakistan are a party to the Nuclear Nonproliferation Treaty. I wish they were. If I had an argument against Pakistan, it would be that argument. They ought to be a part of it. But so should India. India cannot skate by on this simply because they say they are not importing and they are building their own. They cannot skate by on that kind of flimsy excuse.

Again, I do not think anyone here would advocate unilateral disarmament on our part. Certainly, we could not expect Pakistan to have a unilateral disarmament on their part.

Again, I hope that both sides, India and Pakistan, would agree to a regime of peaceful relations and a downgrading of both of their military systems. But we cannot expect Pakistan unilaterally to do that, not given the history of that region.

I understand Pakistan is not a perfect country. But, again, what we are doing is not fair. Absolutely not fair.

The Brown amendment moves United States policy forward so that we can work with Pakistan to tackle a lot of problems: drug trafficking, international terrorism, peacekeeping, illegal immigration. But, again, it also strengthens a competitive position for United States companies to do business in Pakistan. So it advances our interests abroad.

Again, on the question of military equipment, the Brown amendment is a fair and responsible approach. A fair and responsible approach. We should not be charging Pakistan with the storage of military equipment they purchased that we did not release. It is not fair. We should not be holding on to military equipment that Pakistan simply sent here for repair. It is not fair. And we should not hold on to the money and hold on to the equipment that Pakistan has bought and paid for. That, too, is unfair.

This issue has led to a steady erosion of our relationship with Pakistan, an old friend—a struggling democracy, struggling, a very troubled part of the world.

So in order to strengthen our partnership and advance American interests, it is essential to put this problem behind us, wipe the slate clean and concentrate on the issue of nonproliferation, which is the intent of the Pressler amendment.

The Brown amendment helps us do just that.

Again, when you look at the equipment that we are talking about, there is nothing in here that is new. As I said, these are items that were already approved. These are not items that would be covered under the missile technology control regime.

I want to make that point one more time to my friend from Michigan. Even if the MTCR sanctions were imposed tomorrow, all the items in the Brown amendment could go because they had already been approved under the old regime.

Again, the Brown amendment is fair, it is responsible, it is reasonable, it will wipe the slate clean. I think it will help promote democracy and the democratic forces that are struggling and have struggled so hard in Pakistan. I do not think it will do one iota in any way to encourage any kind of nuclear proliferation or technology of missiles or anything else. As I said, the Secretary of State and the Secretary of Defense have both said that the evidence is not there in sufficient amount to impose these kinds of sanctions.

So, again, I would just say that it is in our best interests to adopt the Brown amendment. That is why the administration supports it so strongly. That is why I support it. I believe we have to get on with renewing our relationship with Pakistan, to wipe the slate clean, to treat them fairly—not unfairly.

If people want to talk about the country that has, I think, pushed us to the limits in terms of using nuclear devices, testing nuclear weapons, and building up nuclear arsenals, we ought to be talking about India, not Pakistan. So I think this will get us back on a more even keel and perhaps will set us up in a regime where we can actually engage both India and Pakistan

to begin a process of more peaceful relations and negotiations leading to a cooling down in that region of the world and, perhaps, even a reduction in the weapons in both India and Pakistan.

If we continue on the way we are going, then I fear the hard line forces in Pakistan, the antidemocratic forces, are going to go to the forefront. I think they are the ones who are going to be able to say look, how can you trust the United States? Here we have done all these things for the United States over all these years—we have supported them, been their great friends, backed them up, and they turned their back on us.

If you want to push Pakistan, as some of these people are saying, closer to China, that is the way you do it. If you defeat the Brown amendment you will get just what you asked for. You will get the more repressive forces in Pakistan going along with the repressive forces that are dominant in China today, and then we really will have a problem in South Asia.

Mr. President, I urge the adoption of the Brown amendment and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, before the Senator from Iowa leaves, I want to point out, he was questioning whether we would have the guts to sanction India. I point out to him that we did sanction India under the MTCR. We had United States sanctions imposed against India, the Indian space research organization, and against Russia, Glavcosmos, for the Russian transfer of cryogenic rocket engines. That was in 1992, I believe. So we did actually have sanctions against India.

What we did was we cut the United States exports of missiles for a 2-year period, I believe it was. I do not have the exact date it was put into effect—yes, we do. This is out of the May 12, 1992 Washington Post, an article by R. Geoffrey SMITH titled, ''U.S. Imposes Sanctions Against Russian-Indian Concerns Over Rocket Deals.''

Mr. HARKIN. If the Senator will yield, that is true, but the sanctions have since expired.

Mr. GLENN. They expired, but I thought the point was we did not have guts enough to assign sanctions against India—but we did. We have done it.

Mr. HARKIN. Again, we continued the sanctions on Pakistan but let them expire on India.

Mr. GLENN. The same sanctions expired on India. But, anyway, the issue here is not the money, small amounts of equipment and so on. The issue is: Does the United States of America have a nuclear nonproliferation policy worthy of the name or not? That is basically what we are talking about. Do we have one and are we willing to abide by it? Or is it a sham? Is it only for press conferences? Is it only for campaign talk and little else? That is the question.

Talk about trusting the United States, let us talk about how much we can trust other nations of the world whom we try to help and work with. We have felt strongly enough about our nuclear stockpiles and what is going on around the world that we have exhorted other nations to please sign up under the nonproliferation treaty. At the same time, we pledged that if a situation ever got to where we could start working our stockpiles of nuclear weapons down, vis-a-vis the Soviet Union, we would do that. Fortunately, at this day and time, after all these years of cold war, we have reached that point where we now are downsizing, as we call it, our nuclear weapons stockpiles. And we are all glad that is occurring.

In the meantime we asked other nations to sign up under the NPT, to submit to IAEA inspections. And we have had 178 other nations that have put their faith in the United States of America, to follow our lead and say, ''Yes, we trust you. And, yes, we will go along, we will not develop nuclear weapons in return for America's cooperation in peaceful uses of nuclear energy.''

Who is the most egregious violator of all these things with regard to not signing up, refusing to sign up under the nonproliferation treaty, not cooperating in matters nuclear, in fact telling untruths, one right after the other, one right after the other, on and on and on and on and on? That is Pakistan.

I can appreciate very much the situation Pakistan finds itself in. Some years ago China developed nuclear weapons. They have been part of the nuclear weapons scene across the world for many years. India and China have had border troubles, disputed territories. Both claimed certain areas up along the border, and they have been back and forth at each other for many, many decades, going way back. So, as soon as China developed nuclear weapons, India felt they had to do the same thing or they would not be safe. So they set about a nuclear weapons development program. In 1974 they set off their first nuclear device. They called it a PNE, a peaceful nuclear explosion. OK, that is fine, they can call it what they want, but a bomb is a bomb is a bomb is a bomb, whether you call it a peaceful bomb underground for test purposes or whether it is a bomb that is usable, an explosive device that will go off somewhere else.

As a result of the Indian PNE, then we had Pakistan swore they would get the bomb one way or another, no matter what they had to do to do it. In fact then Prime Minister Bhutto, the current Prime Minister's father, who later died, said that, to quote his words, Pakistan would ''eat grass'' if it was necessary to get that nuclear capability. They have been embarked on a nuclear weapons program ever since, even though they have steadfastly denied it, year after year after year after year. And they have been untruthful to us.

I went to Pakistan, met personally with President Zia back years ago, with Yaqub Khan, who was foreign minister, and their atomic energy commissioner at that time, met with all these people, sat and talked to them one on one, looked them right in the eye, and they swore up and down they had no nuclear program under way. And I think they even knew at that time that I knew that what they were telling me was not true, even though we had good intelligence information at that time.

Let me just quote—I am going to put some of this in the RECORD later on at the end of my remarks, but let us bring it up to date here with the present Prime Minister, Benazir Bhutto. Listen to some of her comments on this. Going back when she was opposition leader, Benazir Bhutto, shortly before she became Prime Minister, the Washington Post quotes her as saying:

> We don't want any controversy with the U.S. on the nuclear issue. We want it clear beyond doubt that we are interested only in energy, not nuclear weapons.

That was on November 19, 1988.

On November 28, 1988, once again opposition leader Benazir Bhutto, interviewed in Time Magazine, says:

> We believe in a peaceful nuclear program for energy purposes and nothing else.

Now Prime Minister Benazir Bhutto, interviewed in the Calcutta Telegraph on December 14, 1988—she is now Prime Minister—is quoted as follows:

> I can tell you with confidence there is no bomb program in Pakistan. There is no bomb program. There is no bomb program.

Later on Prime Minister Benazir Bhutto, interviewed on MacNeil/Lehrer on December 16, 1988:

> We are committed to a peaceful energy program. We don't have any nuclear weapons policy. Pakistan doesn't have any intention to get a nuclear device or a nuclear weapon.

Bring it on up a little bit. Prime Minister Benazir Bhutto, once again addressing a joint session of the U.S. Congress, on the other end of the Capitol from us, when she came over here and addressed us on June 7, 1989, said:

> Speaking for Pakistan, I can declare that we do not possess nor do we intend to make a nuclear device. That is our policy.

That was to the Congress of the United States.

July 10, 1989, Prime Minister Benazir Bhutto:

> Pakistan has not, nor do we have any intention of putting together or making a bomb or taking it to the point where you can put it together.

Another one quoted by AFP on August 29, 1989:

> We do have the knowledge but I do think there is a difference between knowledge and capability. So we do have a knowledge, if confronted with a threat to use, but we do not in the absence of any threat intend to

use that knowledge. In fact, as a matter of policy, my government is firmly committed to nonproliferation.

Then quoted in an interview in a German newspaper, as quoted by Reuters, on October 22, 1989:

It is true that Pakistan has certain knowledge in the nuclear field but it has no intention of using this knowledge. To put it another way, we do not want to convert this knowledge into, shall we say, a nuclear capability at the present time.

And the last one that I will read here out of a number of other examples I could give was in 1994, last November, November 18, 1994, being interviewed by David Frost on PBS. Prime Minister Benazir Bhutto:

We have neither detonated one nor have we got nuclear weapons. Being a responsible state and a state committed to nonproliferation, we in Pakistan through five successive governments have taken a policy decision to follow a peaceful nuclear program.

Well, at a later time I will ask to enter these in the RECORD at the end of my remarks. But those are examples of some of the statements and there are several dozen others here by various Pakistani officials that go along the same line.

Well, so much for the protestations that they have made through the years.

In 1987, Yaqub Khan, father of the bomb in Pakistan as he is known, in an interview, I believe it was in London, made the mistake of saying that, yes, they had the bomb. That was it, period.

MTCR was brought up a little while ago as well as M–11's. When we talked to some of the people over at the White House today, after I said, what if the missile technology, MTCR, has been violated? What would be the administration's policy? I was told by the person I was talking to, not the President, but I was told by the person I was talking to, ''Well, if MTCR has been violated, we will abide by the law.''

I hope they mean it. I wish they would do the same thing with regard to the Pressler amendment and with the other legislation that we have had on the books for a long time.

To understand how we arrived at this difficult state of affairs with Pakistan, in which they have paid $658 million in cash and used $200 million in credits for 28 F–16's but cannot have them delivered, I think we need to go back. I think we need to review a little bit of the history of Pakistan.

I would also add that $658 million in cash and $200 million in credits comes up to about $858 million that we are talking about.

But to go back a little bit, in the mid-1970's, Congress became concerned about increasing evidence of international nuclear trade in dangerous technologies associated with producing nuclear weapon materials.

A number of countries, including but not limited to Pakistan, South Korea, Brazil, Taiwan, were actively engaged in seeking such technologies, and suppliers such as France and Germany seemed prepared to meet the demand.

Now, in an attempt to dampen such activity, in 1976 and 1977, Congress enacted what is now called the Glenn–Symington amendment to the Foreign Assistance Act which provided that countries importing or exporting such dangerous technologies under certain conditions would be cut off from U.S. economic and military assistance.

This law was universal in its application. It was not directed specifically toward Pakistan at all. Nonetheless, in 1979, after much information became available about illegal Pakistani activities involving the smuggling of design information and equipment related to nuclear enrichment, President Carter invoked the Glenn–Symington amendment to cut off the Pakistanis.

After the war in Afghanistan broke out, attempts by the Carter administration to restore some assistance to Pakistan in return for restraints on their nuclear program were rebuffed by the Pakistanis. When the Reagan administration arrived, aid to Pakistan and the mujaheddin was high up on the administration's foreign policy agenda. At that time, they even suggested repeal of the Glenn–Symington amendment. That was suggested during some of the congressional consultations we had with them. That was rejected.

Instead, a proposal was made and adopted into law that allowed the President to resume aid to Pakistan for 6 years despite its violations of section 669 of the Glenn–Symington amendment which related to uranium enrichment activities. President Reagan used this authority in 1982 and also issued a waiver under section 670 of the amendment. This related to reprocessing activities—to exempt Pakistan indefinitely from the cutoff provisions of that section of the Glenn–Symington legislation as well.

Now, he could not do the same under section 669 unless he had reliable assurances that the Pakistanis were not developing nuclear weapons. And such assurances were clearly not available.

Thus, a specific waiver for Pakistan was created and has been subsequently renewed five times. That allowed them to escape from the sanctions imposed by United States law for proliferators. This has been done for no other country that I am aware of. So anyone who thinks we are being too harsh on Pakistan, poor little Pakistan, we have renewed that waiver on five different occasions. Nonetheless, Congress was unwilling to give a complete blank check to Pakistan and stipulated in the waiver legislation that Pakistan would still be cut off if—if—it received or exploded a nuclear device.

Now, in addition, Congress stipulated that an annual report would be provided on Pakistan's nuclear activities so that Congress could confirm that United States assistance was indeed inhibiting Pakistan's bomb program as was confidently assumed by Reagan administration officials.

We have a number of statements that they made at that time about what a big thing this was going to be, and that was the best thing to do to get the Pakis to hold back on their bomb program. So we required reports, and those reports, along with supplementary intelligence information, revealed there was no effect whatsoever on the pace or the direction of the Pakistani bomb program.

The Pakistanis continued to say publicly they had no nuclear weapons program and continually lied to United States authorities whenever questioned. Indeed, then-President Zia and then-head of the Pakistani atomic energy commission, Mir Khan, both lied to me in my visit to Islamabad in 1984. Lying is a harsh word, but I cannot put any other word to it. That occurred when I asked about information I had concerning their nuclear program.

The result of all this mendacity, plus ongoing information that the Pakistani program was progressing, was the enactment of the Pressler amendment. The Pressler amendment was passed in 1985, which was designed to draw a new line in the sand regarding the extent of United States forbearance over Pakistan's nuclear weapons program.

The amendment required the United President to certify annually that Pakistan did not ''possess,'' in quotes—''possess,'' key word—a nuclear explosive device in order for assistance to continue and that such assistance would significantly reduce the risk that Pakistan would possess such a device.

Please note that the argument about the Pressler amendment being unfair because it applies only to Pakistan is completely disingenuous because it ignores the fact that Pressler was created to shape further the unique special exemption from United States nonproliferation law given to Pakistan years earlier. If we had not had the waiver, we would not have needed Pressler.

It has been reported that CIA officials who were privy to intelligence information concerning the Pakistani program were very skeptical beginning from 1987 on that the President could make the appropriate certifications under Pressler to allow aid to continue; in other words, to say with some certainty that they did not possess any nuclear device and that our assistance was significantly reducing the risk that they would possess.

Statements from high-ranking Pakistani officials around this time suggested they had the bomb within their grasp. Nonetheless, President Reagan in 1987 and 1988 and President Bush in 1989 made those certifications. It has also been reported that President Bush told the Pakistanis in 1989 that he would be unable to make this certification the next year in 1990.

Now, the contract for the sale of 28 F–16's was signed in 1989, the year Pakistan ostensibly had been warned that there would be no further certification that would allow them to receive military equipment from the

United States. The first cash payment by Pakistan of $50 million was made at the beginning of fiscal year 1990. Subsequent to the cutoff, which came because of the Pressler amendment which took affect in October 1990, Pakistan continued to send periodic payments for the manufacture of F–16's. That is, $150 million in fiscal 1991, $243 million in fiscal 1992, $215 million in fiscal 1993, for a total of $658 million.

Why did they continue to send money when they knew that U.S. law would not enable them to receive the planes? That is a question only they can answer. But it is not unlike an investor buying a stock of a company whose assets are under lien in the hope that the lien will somehow be removed. If it does not get removed, the investor can hardly call foul.

All this is to say that the Pakis are hardly entitled to any sympathy in their national security plight in South Asia. They fought three wars with a much larger adversary, India, who is pursuing a nuclear weapons program and exploded a device in 1974. By virtue of the India nuclear program being indigenous and not in violation of the terms of the Glenn–Symington amendment, the Indians have not been subject to the amendment sanctions, which would not have been effective in any case since the Indians received only token amounts of economic or military assistance from the United States.

But that is not the same thing as saying that United law is discriminatory in its application. Now, I indicated earlier we have 178 nations who have signed up and extended the nuclear nonproliferation treaty, made it a permanent treaty. It has been the policy of every American President over the past 25 years since the treaty went into effect to support the treaty, and we have been steadfast in that support.

Now, the members of the treaty deserve our trust. We have to be deserving of that trust. They put their trust in us.

Now, how will we be keeping faith with those 178 nations meeting in New York if the message that is sent is that a proliferator with a history of mendacity can receive from the United States a significant number of nuclear-weapons-delivery systems, that is, F–16's. Well, to even ask the question is to give the answer: The United States cannot be a champion of nonproliferation on the one hand and a facilitator of nuclear weapons development or delivery on the other.

Sending F–16's to Pakistan before full realization of the history we laid out in this letter would indeed be a gross violation of our commitment to foster nonproliferation ethics in the world through the NPT and other means and would rightfully subject us to strong international criticism.

I am certainly not an enemy of Pakistan. I visited there. I like the country. I supported them when they were threatened in the past, such as during the war in Afghanistan. I want their cooperation in the fight against terrorism and drugs. But surely we have to find a way to support them in these activities without enhancing their nuclear-weapons-delivery systems.

As to the cash payments for the F–16's, we cannot ignore the fact that, contrary to the grossly incorrect public statement made by Assistant Secretary Robin Raphel at a White House briefing on April 11, no payments were made by Pakistan before fiscal 1990. Sticking to the payment schedule of the contract until fiscal 1993 was a gamble by Pakistan that did not pay off. Now they want to be held harmless from losing their gamble.

Now, I want to get them their money back, if we can possibly do it. It is perhaps unfortunate that U.S. officials did not disabuse the Pakistanis of the hope that making those payments would put pressure on the United States to reverse the Pressler sanctions and deliver the planes. But that is no reason to turn that hope into reality right now.

Mr. President, there have been a number of milestones in the United States-Pakistan nuclear relations. The background of this arms transfer scheme can be summarized by recalling a sequence of some 10 milestones in the history of our nonproliferation efforts in Pakistan. I guess milestone 1 would involve those waivers and favors. Throughout the 1980's, officials from the executive branch assured Congress and the American taxpayers that billions of dollars in aid that we shipped to Pakistan throughout that decade would shore up Pakistan's security and thereby act as a substantial break on Pakistan's nuclear program.

Mr. President, I ask unanimous consent to insert at the end of my remarks a list of no less than 20 such assurances to Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1).

Mr. GLENN. To get this aid to Pakistan, Congress had to create some special waivers for the President to invoke, discriminatory waivers tailored exclusively on Pakistan's behalf. There was a waiver of our uranium enrichment sanctions on February 10, 1982, just for Pakistan. There was a waiver of our plutonium reprocessing sanctions on the same day, February 10, 1982, just for Pakistan. There was another waiver of our uranium enrichment sanctions on January 15, 1988, just for Pakistan. There was a waiver of a nuclear procurement sanction on the same day, January 15, 1988, just for Pakistan.

There was a waiver of our uranium enrichment sanctions on March 28, 1990, just for Pakistan.

There were waiver authorities of uranium enrichment sanctions that Congress created but which fortunately were not exercised by the President on November 5, 1990, October 6, 1992, and September 30, 1993, once again, just for Pakistan.

So much for the discrimination in United States policy, as though we are picking on Pakistan.

By this record, the United States has unquestionably and shamelessly discriminated on behalf of Pakistan where American law was concerned. The next time I hear much complaint about the fact that the Pressler amendment only refers to Pakistan, I can only wonder what has happened to our memory about these waivers and about our appreciation for that history.

The future of this great Republic depends upon our Nation's ability to learn from, not ignore, its experiences. I am tired of discrimination—all discrimination—but most especially discrimination in favor of proliferation. Of all the arguments that have been levied against the Pressler amendment, I have never heard anyone accuse it of being in favor of proliferation. That is more than I can say about the current proposal.

Milestone 2, we title this ''Those Peaceful Nuclear Assurances.''

Officials from Pakistan, meanwhile, lost no effort in blanketing our Capital with a blizzard of peaceful nuclear assurances. My staff assembled an impressive collection of over 70 of these promises, assurances, pledges and other offerings intended to reassure America that Pakistan was not just taking our aid and proceeding with its bomb, which is, of course, exactly what Pakistan was doing.

Mr. President, I ask unanimous consent to print in the RECORD at the end of my remarks a collection of these assurances that was compiled by Michelle Fraser, an intern with the Committee on Governmental Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. GLENN. Mr. President, I recall hearing the testimony of the State Department's Under Secretary James L. Buckley before the Nonproliferation Subcommittee of the Committee on Governmental Affairs back on June 24, 1981. He stated:

> I was assured by the ministers, I was assured by the President himself that it was not the intention of the Pakistani Government to develop nuclear weapons.

Mr. Buckley went on to argue how new United States aid would act to curb Pakistan's nuclear ambitions. Recall that at the time those remarks were spoken, very few commentators or analysts were claiming that Pakistan was a de facto nuclear weapons state. Pakistan did not have bomb-grade uranium from its unsafeguarded enrichment plant at Kahuta. News reports had not yet circulated that China had provided a design of a nuclear weapon to Pakistan along with other nuclear assistance. We had seen virtually nothing about Pakistan engaging in high-explosive testing of components of nuclear weapons.

Pakistan had no fleet of F–16 aircraft which could potentially be used as a delivery system for nuclear weapons.

No, indeed, all the above came only after or during the massive flow of aid to Pakistan through the 1980's.

Despite this record, we are hearing today some of the same old recycled arguments: Provide aid and it will buy us influence. Some people just refuse to believe that what Pakistan really wants is both its bomb and our aid.

Milestone No. 3 we can title ''Proliferation Unbounded.'' By the mid-1980's, the situation was really getting out of hand. Everybody knew that Pakistan's bomb program was rolling right along. This aid included substantial quantities of military assistance, even F–16 aircraft, that were quite suitable for use in delivering nuclear weapons.

To illustrate the scope of the progress Pakistan was making on its bomb as we continued providing aid, Mr. President, I ask unanimous consent to print in the RECORD at the end of my remarks a chronology showing how bad the problem was.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. GLENN. Mr. President, the record is thus quite clear. There was a direct positive relationship between the flow of United States aid and the progress of Pakistan's bomb program, not the negative relationship that the executive repeatedly assured Congress would exist.

Milestone No. 4, ''Congress Steps In.'' By 1985, Congress justifiably had enough. With the agreement of the executive and even the Pakistani Government, we passed a law known as the Pressler amendment to set some ground rules to permit the resumption of aid to Pakistan.

That is overlooked, as my colleague Senator PRESSLER said on the floor just a while ago; that the Pressler amendment was supposed to set some ground rules to permit resumption of aid to Pakistan. First, Pakistan must not possess a nuclear explosive device, however; and second any new aid must reduce significantly the risk that it will possess such a device.

Note how far the current legislative proposal departs from these responsible standards. Not only does the proposal call for resuming full economic aid and significant new arms deliveries to Pakistan despite its failure to satisfy the nonpossession standard, but the aid is supposed to be provided even if it has no effect whatsoever upon reducing the risk of Pakistan getting the bomb. For those who truly care about nonproliferation, this is truly a lose-lose proposition. Where is the beef? There is no beef.

This brings me to milestone 5, the issue of the certifications that Pakistan did not possess the bomb. I guess we could title milestone 5, ''From Red Line to Elastic Clause.''

In the late 1980's, Pakistan crossed several additional red lines toward acquiring the bomb. Even its top nuclear scientists boasted in 1987 that Pakistan already possessed the bomb, and somehow Pakistan kept receiving its annual certification that it did not possess. As for the executive's approach to the word ''possess'' through that period, I am reminded of a quote from a character in Lewis Carroll's ''Through the Looking Glass:'' ''When I use a word,'' Humpty Dumpty said in rather a scornful tone, ''it means just what I choose it to mean, neither more or less.''

That is where we find ourselves in regard to defining the word ''possess.'' It can mean so many different things.

There comes a time when we need to hold the line against the temptation of our officials to redefine terms of law for diplomatic convenience. As for the possession standard, fate would soon catch up with Pakistan.

Milestone 6, ''A Nuclear Near Miss.'' In the summer of 1990, Pakistan almost engaged in a nuclear exchange with India. If any of my colleagues are skeptical about the relevance of nuclear weapons proliferation in South Asia to United States national security, I strongly recommend they read Seymour Hersh, in an article published in the New Yorker on March 29, 1993, aptly entitled ''On the Brink of Nuclear War: How Pakistan Came Close to Dropping the Bomb—And How We Helped Them Get It.''

This article is, incidentally, also a good candidate of the eccentricities of our system for enforcing export controls. The article describes a 1986 United States undercover operation to stop yet another planned Pakistani purchase of United States nuclear-related material. According to Hersh:

> The State Department's Near East Bureau was not told of the planned operation, for fear that the officers there would tip off the Pakistanis, as they had done in the past, by sending a diplomatic protest (known as a demarche) to the Pakistani Government.

Though the operation ultimately led to the highly publicized arrest of Mr. Arshad Z. Pervez in July 1987 on charges of trying illegally to buy 25 tons of special steel used in Pakistan's uranium enrichment program, it was surely not due to much help from the regional experts in the State Department. In a statement related directly to our subject today, one nonproliferation official told Hersh in the article that.

> ''The only thing we had going for us. . .was the Pressler and Solarz amendments.''

Such accounts of our export control process only further reinforce my opposition to the scheme offered in the recent State authorization bill to abolish the Arms Control and Disarmament Agency and transfer all of its functions to the State Department, in effect, making State the new nonproliferation czar.

Fortunately, there do appear to be some individuals left in Government, as indicated in the last quote, who treat the Pressler amendment as a useful tool rather than an obstacle to be circumvented.

Milestone 7, ''Judgment Day.'' By October 1, 1990, even the State Department lawyers had enough and finally ran out of words to explain why Pakistan deserved its annual nuclear certification. President Bush decided not to renew Pakistan's nuclear meal ticket. The time had finally come for proliferation to start costing something.

Milestone 8, ''New Nuclear Assurances, This Time to Congress.'' Since 1990, representatives from both the Bush and Clinton Administrations have sought to repeal the Pressler amendment—these representatives promised Congress, in writing and repeatedly, that even if the Pressler amendment were repealed, rest assured, it would remain the policy of the United States to require Pakistan to satisfy the Pressler standards. Furthermore, Congress was assurred by the Executive that when it came to licensing commercial arms sales, we would never, never, never approve any ''upgrades'' to existing military capabilities in Pakistan.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a few samples of these assurances.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONDITIONS FOR RESUMING ECONOMIC AID TO PAKISTAN: A HISTORICAL REVIEW OF EXECUTIVE BRANCH ASSURANCES TO CONGRESS

April 12, 1991: President Bush sends a letter to Congress accompanying the Administration's ''International Cooperation Act of 1991''—the letter acknowledges an intent to repeal the Pressler Amendment, but reassures Congress that: ''I will continue to insist on unambiguous specific steps by Pakistan in meeting nonproliferation standards, including those specifically reflected in the omitted language, known as the Pressler Amendment. Satisfaction of the Pressler standard will remain the essential basis for exercising the national interest waiver that is in the Administration's proposal in order to resume economic and military assistance to Pakistan.''

November 24, 1993: State Department spokesman Michael McCurry says that: ''. . . as a matter of administration policy, we will continue to apply Pressler standards'' to Pakistan.

November 25, 1993: Assistant Secretary of State Wendy Sherman is quoted as having said in a letter to Congress accompanying the Clinton Administration's new foreign assistance bill that: ''The absence of any country-specific language in this draft should not be interpreted as constituting a change in U.S. policy toward any country.''

November 26, 1993: After the Clinton Administration introduced its new foreign aid legislation would repeal the Pressler Amendment, the State Department issued the following statement: ''Even if a new foreign assistance act without specific language on Pakistan were passed, we would continue to apply Pressler standards to Pakistan.''

November 30, 1993: State Department spokeswoman, Christine Shelley, tells reporters that despite the Administration's efforts to drop the Pressler Amendment, ''. . . satisfaction of the Pressler standard will remain the essential basis for exercising any national interest waiver and for resuming economic and military assistance, including any decision by the U.S. Government to sell or transfer military technology to Pakistan . . . What we have indicated is that Pakistan would continue to be subject to sanctions

along the lines of the Pressler amendment under the administration's new proposal.''

Mr. GLENN. Just as the United States expects Pakistan to comply with its nuclear assurances, I think it is fair for the Congress to insist on the Executive honoring its own assurances to Congress when it comes to implementing our nuclear nonproliferation policy.

Milestone 9, ''Some Early Signs of Restraint.'' Although Pakistan's bomb program is no doubt continuing, and it is indeed maintaining its nuclear and missile cooperation with China, it may have also acted to halt production of highly-enriched uranium I would like to inform my colleagues today that this is the most significant restraint I have seen in some 15 years in Pakistan's nuclear program—the bad news is that Pakistan's bomb program has not disappeared from the face of the earth, the good news is that it is not expanding as rapidly as we once thought, and the news which most Americans will probably be most gratified to hear is that this first demonstration of genuine nuclear restraint by Pakistan did not cost the American taxpayer a red cent—it is due entirely to the effect of the Pressler amendment. This is the law that detractors continue to tar as having been ''ineffective'' or ''inflexible.''

Supporters of the Pressler amendment make no apologies about standing up for this ''inflexible'' law. After all, my dictionary defines this term as follows, ''. . . of an unyielding temper, purpose, will, etc.'' To supporters of nonproliferation generally, the alternative of ''passive accommodation'' has little attraction indeed. Thus we have no quarrel with the charge that the Pressler amendment has been inflexible. Let us be glad it has.

Unfortunately, this term is not quite accurate, given the significant flexibility that the law has shown in recent years to allow the following to occur in spite of Pakistan's continued violations of that law: First, the United States still issues licenses to export commercial munitions and spare parts to Pakistan, including spares for Pakistan's nuclear-weapon delivery vehicle, the F–16; second, United States military visits and joint training exercises continue to take place; third, United States aid with respect to agriculture, counterterrorism, nutrition, population control, literacy, advancement of women, health and medicine, environmental protection, disaster relief, and many other areas can continue to flow to Pakistan via nongovernmental organizations; fourth, the Export-Import Bank also has extended loans, grants, and guarantees to Pakistan; fifth, PL–480 agricultural aid continues; sixth, arms control verification assistance continues (a seismic station); seventh, millions of dollars of aid in the ''pipeline'' as of October 1990 was allowed to flow to Pakistan; eighth, cooperation on peacekeeping is continuing; and ninth, Pakistan continues to receive billions of dollars in development assistance via multilateral lending agencies.

Also under this so-called inflexible law, Pakistan has used almost $200 million in FMS credits to fund the purchase of 11 F–16's between fiscal years 1989 and 1993, of which about $150 million were used after the Pressler sanctions were invoked. And the United States continues to review and license exports of dual-use goods and technology to Pakistan.

Milestone 10, ''Today's Debate.'' Which brings us here today: a milestone of its own in the history of United States efforts to grapple with Pakistan's bomb. It is not so much a milestone as a crossroads—do we stand up for a strong nonproliferation policy, or do we tell Pakistan and the rest of the world that proliferation pays, in a big way?

Here we stand, debating a proposal which I think is appropriate to call, ''Operation Deja Vu''—a scheme to ship, under the false flags of ''fairness'' and helping out an old friend, several more hundred million dollars of military equipment to Pakistan. Who knows, the argument goes, it may even lead to some sentiment of good will that may someday serve the cause of nonproliferation. There never was a better illustration a policy based on a triumph of hope over experience, than there has been with respect to United States policies toward Pakistan's bomb.

Why in the world, given the chronology I have just reviewed, should any one Member of this August Chamber believe for a single moment that the delivery of this lethal military gear will have any effect whatsoever on restraining Pakistan's bomb program? Why should we be unconditionally lifting all economic sanctions on Pakistan? Has anybody really even considered the signal such a gesture would send to proliferators around the world?

This gear that we would transfer under this proposal is, by the way, not only lethal, but it could well trigger a regional arms race that would destabilize the whole balance of power in South Asia. The Indian government has already said it would not simply stand by and watch hundreds of millions of dollars in new military gear flow from the United States to Pakistan. We are talking about delivering upgrades for Pakistan's nuclear weapon delivery vehicles. Upgrades for Cobra helicopters. Additional P–3 antisubmarine aircraft. All kinds of tactical missiles: Harpoons, AIMs, TOW's, and battlefield rockets. Over a quarter billion dollars' worth of such items. To say the shipment of these goods will have no political or military consequences in South Asia is simply wrong. But the proposal does not only address new military transfers.

It is the unconditional lifting of economic sanctions, also. The proposal would also lift unconditionally all economic sanctions against Pakistan under the Pressler amendment, even though Pakistan is still in violation of that amendment. It seems reasonable that before we rush off to provide United States Government guarantees for private loans to Pakistan, we should surely first take a close look at the potential risks and costs that will be borne by the American taxpayer who will, under the current proposal, underwrite those hundreds of millions of dollars in private United States investment in Pakistan—a country whose once-impressive leading city is now virtually off-limits to foreign visitors because it has become a battleground of urban terrorism. Editorials in Pakistani newspapers are themselves asking if Pakistan can survive in such a climate of domestic unrest.

Economic aid might also not quite be the peaceful activity that some might believe it is. For years, our intelligence experts have been aware of the potential role that economic assistance can play in assisting a country to acquire the bomb. Then-CIA Director James Woolsey, for example, stated the following in a written reply to a question after a hearing of the Governmental Affairs Committee on February 24, 1993:

> Loans and grants from both bilateral and multilateral aid agencies free money for Pakistan to spend on its nuclear program . . . these untied funds helped finance civilian imports, freeing an equivalent amount of funds to spend on the nuclear program.

No, unconditionally lifting economic sanctions on Pakistan is not a neutral benign act. It is an action that conflicts with, rather than promotes, our nonproliferation goals. Providing such assistance will not give Pakistan a free market. It surely does not have such a market today. Indeed, the Heritage Foundation recently issued a survey called ''The Index of Economic Freedom'' which placed Pakistan's market in the category, ''Mostly Not Free.'' As for foreign economic aid, here is what the study had to say about past aid to Pakistan:

> Much of this aid has been squandered in economically useless projects, and Pakistan has been unwilling to adopt significant economic reforms.

Yet proponents of lifting economic sanctions still seem to believe—despite both facts and reason to the contrary—that this is a great idea. That it will serve our economic interests. That it will discourage proliferation.

All of this I feel is utter nonsense. The aid will only inspire the flow of American tax dollars out of the wallets of U.S. citizens to a country determined to have both the bomb and U.S. aid. I think that is the wrong course to go.

Now to look at the F–16's for a moment.

I have examined the list of items that would be shipped off to Pakistan under this proposal and find that it actually includes upgrades—that is right, reliability upgrades—to the engines for Pakistan's F–16 nuclear weapon delivery vehicles. So here we are, waving

our finger at Pakistan's bomb program, while bending over backward to assist Pakistan directly to deliver such weapons. With due respect to my colleague from Colorado and to a few offices in the Executive who support this scheme, there is simply no justification for such a transfer that serves our nonproliferation interests. None.

I have heard it often said that basic ''fairness'' requires us to deliver this equipment since Pakistan already ''paid'' for it.

What exactly did Pakistan actually pay for? Pakistan surely did not pay cash for all of these goods—a good part of their purchases were financed by United States taxpayers by means of foreign military sales credits, many of them, by the way were used well after sanctions came into effect in October 1990. All of the P–3 aircraft that Pakistan wants to use for antisubmarine operations, for example, had an FMF funding source. In February 1994, I regret to report, Pakistan engaged in joint naval exercises with Iran—by at least one account, P–3 aircraft were used in those exercises. Why are we even considering shipping antisubmarine aircraft to a country that engages in joint military exercises with a terrorist state—not just any run-of-the-mill terrorist state, but a terrorist state that our own Secretary of State has declared is pursuing a crash program to acquire nuclear weapons?

The proposal would also upgrade Pakistan's Cobra helicopters—evidently abandoning our current policy of not upgrading Pakistan's military capabilities. This assistance too is funded by FMF credits. How about tactical missile systems? The Harpoon antiship, TOW missiles, AIM–9L air-to-air missiles, and 2.75-inch rockets in this little package are also funded via the FMF route—presumably these missiles are not exclusively for peaceful purposes, except perhaps by Pakistan's definition of the phrase.

Even many of the engine upgrades for Pakistan's F–16 nuclear weapon delivery vehicle were paid for using FMF money. Eleven of the twenty-eight F–16's that Pakistan ordered, but which could not be delivered due to Pakistan's noncompliance with the Pressler amendment, were financed with FMF money. Recall that of the $199 million available in FMF credits for the eleven planes, Pakistan used only a quarter of these credits by the time sanctions were invoked in October 1990. They used the remaining three-quarters after sanctions were in place. As for the remaining 17 planes, they were paid for in cash—of these payments, however, over $600 million out of a total $658 million were paid by Pakistan after sanctions were invoked in October 1990. In short, they were paying for planes they knew they were not qualified to receive.

Besides the issue of money, why should we help Pakistan to improve its nuclear weapon delivery capability? My staff has brought to my attention a major study performed by Stanford University's distinguished Center for International Security and Arms Control in 1991 entitled, ''Assessing Ballistic Missile Proliferation and Its Control.'' Here is what the Stanford study had to say about Pakistan's F–16's:

> Pakistan is widely believed to have either already developed nuclear warheads or to be on the brink of acquiring them. Pakistani F–16 aircraft could be effective nuclear-delivery vehicles even if Pakistan's nuclear warheads are large and heavy.

Now that quote is significant enough to leave little doubt about the capabilities of this aircraft; indeed, they are nuclear-capable in our own inventory. But it is also interesting that at least three officials of the current administration, including Secretary of Defense Perry, were listed as participants in that study.

I am reminded also of a passage from Seymour Hersh's article in the March 1993 issue of the New Yorker. Writing about the near nuclear war between Pakistan and India in 1990, Hersh writes:

> The American intelligence community noticed an intense increase in Pakistani radar activity early in the year. Earlier reports showed that the Pakistani Air Force, working closely with officials from Pakistan's nuclear-weapons program, had stepped up its F–16 training to practice what seemed to be the dropping of a nuclear bomb. Further intelligence, from Germany, reported that the Pakistanis had designed a nuclear warhead that could be fitted under the wing of an F–16, and that the design had gone through a series of wind-tunnel tests. Pakistan was also reported to have learned to program its in-flight computer system to provide the correct flight path for a nuclear-bomb run.

I ask unanimous consent that several quotes relating to Pakistan's F–16's be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. GLENN. So now we are discussing shipping over some more spare parts for these nuclear weapon delivery vehicles. Here is what Pakistan's federal minister for defense production, Mir Hazar Khan Bijarani, said in an interview in 1992 concerning the various ways the Pressler amendment has been interpreted with respect to Pakistan's F–16's:

> We did face tremendous problems in acquiring spare parts [for F–16's] after the suspension of U.S. military assistance, but now we have overcome this problem as the Americans have lifted [the] ban on commercial sales.

See how this works. First we relax commercial sales of spare parts for Pakistan's nuclear weapon delivery vehicles. And now, here we are debating whether to provide on a government-to-government basis some gear to upgrade Pakistan's nuclear weapon delivery vehicles.

Let us not be blind to what we are proposing to do: after years of fighting for nuclear nonproliferation, the Congress under this proposal would put on the statute books America's first nuclear proliferation law. Rest assured, if this proposal passes, America will not be the only country with other nuclear proliferation laws on their own books. The race will be on to cash in on proliferation, rather than to prevent it. This is an extremely dangerous course and one which the Congress should summarily reject as contrary to the national security interests of the United States. It is an embarrassment to this legislature even to be debating this extremely ill-advised scheme.

WHAT IS FAIR?

I must come back to the basic question: what exactly is fair? Is it fair for Pakistan to have given the United States solemn assurances that it proceeded to break with impunity?

Recently, Prime Minister Bhutto declared during her recent visit to the United States that Pakistan had kept its contract with America. I will repeat this: that Pakistan had kept its contract with America.

Some of us might recall when Prime Minister Bhutto addressed a joint session of Congress back on June 7, 1989, when the Prime Minister solemnly stated the following:

> Speaking for Pakistan, I can declare that we do not possess, nor do we intend to make a nuclear device. [Extended applause.] That is our policy.

Mr. President, that was Pakistan's contract with America. That is what United States taxpayers were being told about Pakistan's bomb program. It is that contract, I submit, that Pakistan has proven so utterly incapable of fulfilling. Yet here we stand, debating fairness. The absurdity of the proposal that is the focus of this debate simply defies description.

I read recently a statement from Mr. John Malott, then the interim director of the State Department's South Asia bureau, which appeared in an AFP wire service report on May 16, 1993. Here is what Mr. Malott had to say about the fairness issue:

> We kept our part of the bargain but Pakistan let us down by crossing the line in 1990 . . . we had promised Pakistan billions and billions of dollars if that line was not crossed.

So much for what is fair. Mr. Malott put it exactly right: Pakistan broke its contract with America. It is now paying a price that should only go up with time, not down. To lower the price of proliferation is to condone proliferation. That is not our policy. That is not our domestic law. That is not at all consistent with our solemn international treaty commitments. That is how we should want other countries to treat proliferants.

Mr. President, I want to restate very briefly the theme I used in starting out. This is not about fairness. We have been fair. Pakistan has been unfair with us.

The issue here is, are we serious about nonproliferation in the world? Are we a world leader in nonproliferation or are we not? Do we have a proliferation policy or is it one that only

comes out for press conference purposes or at time of political campaigns?

We took the lead in getting 178 nations to sign the nonproliferation treaty. They put their trust in us. They also trusted that there would be sanctions against people who were not willing to cooperate, if they were egregious violators of what we thought was right.

We have seen Pakistan be the most egregious violator. We have seen them be uncooperative with regard to nuclear matters. They have not joined NPT. They have not gone by NPT rules. They have violated every norm of diplomatic behavior in telling us things that were not true and that we knew were not true. I do not think that kind of mendacity should be rewarded by sending the material that is proposed by the amendment.

These have been nothing but untruths told to us through the years, over and over again. I will not read those off again. It seems to me, if we are to deserve the trust of the nations that signed up under NPT and followed our leadership, then I believe we must refuse to approve this amendment. I know the Senator from California will have a proposal in the morning for a substitute amendment and we will look at it in the morning and see whether we feel we can support it or not. But as for the amendment we are debating tonight, it is one I just cannot support and I urge my colleagues not to support it.

EXHIBIT 1

U.S. AID POLICIES AND PAKISTAN'S BOMB: WHAT WERE WE TRYING TO ACCOMPLISH?

Letters to Congress from Presidents Reagan & Bush, 1985–1989, required under Sec. 620E(e) of Foreign Assistance Act (Pressler Amendment):

''The proposed United States assistance program for Pakistan remains extremely important in reducing the risk that Pakistan will develop and ultimately possess such a device. I am convinced that our security relationship and assistance program are the most effective means available for us to dissuade Pakistan from acquiring nuclear explosive devices. Our assistance program is designed to help Pakistan address its substantial and legitimate security needs, thereby reducing incentives and creating disincentives for Pakistani acquisition of nuclear explosives.''—President George Bush, 10/5/89; President Ronald Reagan, 11/18/89; 12/17/87; 10/27/86; & 11/25/85.

President George Bush, letter to Congress (addressed to J. Danforth Quayle as President of the Senate), 12 April 1991, urging abandonment of Pressler certification requirement:

''. . . my intention is to send the strongest possible message to Pakistan and other potential proliferators that nonproliferation is among the highest priorities of my Administration's foreign policy, irrespective of whether such a policy is required by law.''

Deputy Assistant Secretary of State Teresita Schaffer, testimony before House subcommittee, 2 August 1989:

''None of the F–16's Pakistan already owns or is about to purchase is configured for nuclear delivery . . . a Pakistan with a credible conventional deterrent will be less motivated to purchase a nuclear weapons capability.''

Deputy Assistant Secretary of Defense Arthur Hughes, testimony before House subcommittee, 2 August 1989:

''Finally, we believe that past and continued American support for Pakistan's conventional defense reduces the likelihood that Pakistan will feel compelled to cross the nuclear threshold.''

Deputy Assistant Secretary of State Robert Peck, testimony before House subcommittee, 17 February 1988:

''We believe that the improvements in Pakistan's conventional military forces made possible by U.S. assistance and the U.S. security commitment our aid program symbolizes have had a significant influence on Pakistan's decision to forego the acquisition of nuclear weapons.''

Special Ambassador at Large Richard Kennedy, testimony before two House subcommittees, 22 October 1987:

''We have made it clear that Pakistan must show restraint in its nuclear program if it expects us to continue providing security assistance.''

Assistant Secretary of State Richard Murphy, testimony before Senate subcommittee, 18 March 1987:

''Our assistance relationship is designed to advance both our non-proliferation and our strategic objectives relating to Afghanistan. Development of a close and reliable security partnership with Pakistan gives Pakistan an alternative to nuclear weapons to meet its legitimate security needs and strengthens our influence on Pakistan's nuclear decision making. Shifting to a policy of threats and public ultimata would in our view decrease, not increase our ability to continue to make a contribution to preventing a nuclear arms race in South Asia. Undermining the credibility of the security relationship with the U.S. would itself create incentives for Pakistan to ignore our concerns and push forward in the direction of nuclear weapons acquisition.''

Deputy Assistant Secretary of State Howard Schaffer, testimony before House subcommittee 6 February 1984:

''The assistance program also contributes to U.S. nuclear non-proliferation goals. We believe strongly that a program of support which enhances Pakistan's sense of security helps remove the principal underlying incentive for the acquisition of a nuclear weapons capability. The Government of Pakistan understands our deep concern over this issue. We have made clear that the relationship between our two countries, and the program of military and economic assistance on which it rests, are ultimately inconsistent with Pakistan's development of a nuclear explosive device. President Zia has stated publicly that Pakistan will not manufacture a nuclear explosives device.''

Special Ambassador at Large Richard Kennedy, testimony before two House subcommittees, 1 November 1983:

''By helping friendly nations to address legitimate security concerns, we seek to reduce incentives for the acquisition of nuclear weapons. The provision of security assistance and the sale of military equipment can be major components of efforts along these lines. Development of security ties to the U.S. can strengthen a country's confidence in its ability to defend itself without nuclear weapons. At the same time, the existence of such a relationship enhances our credibility when we seek to persuade that country to forego [sic] nuclear arm...We believe that strengthening Pakistan's conventional military capability serves a number of important U.S. interests, including non-proliferation. At the same time, we have made clear to the government of Pakistan that efforts to acquire nuclear explosives would jeopardize our security assistance program.''

Statement by Deputy Assistant Secretary of State Harry Marshall, 12 September 1983, before International Nuclear Law Association, San Francisco.

''U.S. assistance has permitted Pakistan to strengthen its conventional defensive capability. This serves to bolster its stability and thus reduce its motivation for acquiring nuclear explosives.''

President Ronald Reagan, Report to Congress pursuant to Sec. 601 of the Nuclear Nonproliferation Act (''601 Report''), for calendar year 1982:

''Steps were taken to strengthen the U.S. security relationship with Pakistan with the objective of addressing that country's security needs and thereby reducing any motivation for acquiring nuclear explosives.''

''President Ronald Reagan, Report to Congress pursuant to Sec. 601 of the Nuclear Nonproliferation Act (''601 Report''), for calendar year 1981:

''Military assistance by the United States and the establishment of a new security relationship with Pakistan should help to counterpart its possible motivations toward acquiring nuclear weapons...Moreover, help from the United States in strengthening Pakistan's conventional military capabilities would offer the best available means for counteracting possible motivations toward acquiring nuclear weapons.''

Assistant Secretary of State James Malone, address before Atomic Industrial Forum, San Francisco, 1 December 1981:

''We believe that this assistance—which is in the strategic interest of the United States—will make a significant contribution to the well-being and security of Pakistan and that it will be recognized as such by that government. We also believe that, for this reason, it offers the best prospect of deterring the Pakistanis from proceeding with the testing or acquisition of nuclear explosives.

Undersecretary of State James Buckley, testimony before Senate Foreign Relations committee, 12 November 1981:

''We believe that a program of support which provides Pakistan with a continuing relationship with a significant security partner and enhances its sense of security may help remove the principal underlying incentive for the acquisition of a nuclear weapons capability. With such a relationship in place we are hopeful that over time we will be able to persuade Pakistan that the pursuit of a weapons capability is neither necessary to its security nor in its broader interest as an important member of the world community.''

Testimony of Undersecretary of State James Buckley, in response to question from Sen. Glenn, Senate Foreign Relations Committee, 12 November 1981, on effects of a nuclear detonation on continuation of cash sales of F–16's:

''[Sen Glenn]...so if Pakistan detonates a nuclear device before completion of the F–16 sale, will the administration cut off future deliveries?

''[Buckley] Again, Senator, we have underscored the fact that this would dramatically affect the relationship. The cash sales are part of that relationship. I cannot see drawing lines between the impact in the case of a direct cash sale versus a guaranteed or U.S.-financed sale.''

Undersecretary of State James Buckley, letter to NY times, 25 July 1981:

''In place of the ineffective sanctions on Pakistan's nuclear program imposed by the past Administration, we hope to address through conventional means the sources of insecurity that prompt a nation like Pakistan to seek a nuclear capability in the first place.''

EXHIBIT 2

PAKISTAN'S PEACEFUL NUCLEAR ASSURANCES: 1979–1995

''[Pakistan's government has] . . . summarily rejected as false the charge that Pakistan was developing its nuclear program with assistance from or in partnership with Libya or any other country.''—Pakistani Foreign Ministry Spokesman, NY Times, 4/9/79.

''Pakistan has not sought or obtained financial assistance from Libya or any other country for its nuclear program.''—Pakistan Embassy, Pakistan Affairs, 6/16/80.

''Pakistan's nuclear development programme is solely for peaceful purposes and it has no plans to make nuclear weapons.''—Qutubuddian Aziz, Pakistan Embassy in UK, London Sunday Times, 2/1/81.

''I was assured by the ministers, I was assured by the President [Zia] himself that it is not the intention of the Pakistani Government to develop nuclear weapons.''—Under Secretary of State James Buckley, congressional hearing, 6/24/81.

Senator JOHN GLENN. ''. . . is it your view that we should go ahead with the arms sale to Pakistan without assurances that they are not in a [nuclear] weapons production mode?''

Under Secretary BUCKLEY. ''That assurance was given . . . by the Pakistani government.''—Under Secretary of State James Buckley, congressional hearing, 6/24/81.

''I say that Pakistan's nuclear technology will not be given to any other nation. We will work, we will borrow, and we will beg for this technology. God willing we will never pass it to any other nation.''—President Zia-Ul-Haq, interview published in Turkish Hurriyet, 11/25/81.

''You know, Pakistan is engaged and will strive to acquire nuclear technology for peaceful purposes. But Pakistan has neither the capability nor the intention of making an atomic bomb . . . in no circumstances.''—President Zia-Ul-Haq, after meeting with President Mitterrand, Reuters, 1/26/82.

''We, too, are engaged in a nuclear programme, with the sole aim of finding a viable alternate to the traditional sources of energy, which are in scarce supply in Pakistan. Despite our repeated assurances, however, there has been an orchestrated campaign to malign us by falsely attributing to our peaceful programme a nonexistent military dimension.''—President Zia-Ul-Haq, address at US National Press Club, 12/8/82.

''The Pakistan side reiterated that Pakistan was not interested in the manufacture or acquisition of nuclear weapons. . . . We accept that the President of Pakistan is telling us the truth.''—U.S. official, after meeting between Presidents Zia and Reagan, NY Times, 12/8/82.

''[President Zia] . . . stated very emphatically that it is not the intention of Pakistan to develop nuclear weapons and that it is not doing so.''—Sen. Charles McC. Mathias, Washington Post, 12/8/82.

''. . . I would like to state once again, and with all the emphasis at my command, if I have that, that our on-going nuclear programme has an exclusively peaceful dimension and that Pakistan has neither the means nor, indeed, any desire to manufacture a nuclear device. I thrust [sic] that this distinguished gathering will take note of my assurance, which is given in all sincerity and with a full sense of responsibility.''—President Zia-Ul-Haq, address before Foreign Policy Association, 12/9/82.

''In our opinion, there is no such thing as a peaceful [nuclear] device or a nonpeaceful device. It's like a sword. You can cut your throat; you can save yourself. We are planning neither.''—President Zia-Ul-Haq, Meet the Press, 12/12/82.

''. . . I hereby certify that I have reliable assurances that Pakistan will not transfer sensitive United States equipment, materials, or technology in violation of agreements entered into under the Arms Export Control Act to any communist country, or to any country that receives arms from a communist country.''—President Ronald Reagan, Presidential Determination 83–4, 1/3/83.

''The Government of Pakistan understands our deep concern over this issue [Pakistan's pursuit of nuclear weapons]. We have made clear that the relationship between our two countries, and the program of military and economic assistance on which it rests, are ultimately inconsistent with Pakistan's development of a nuclear explosives device. President Zia has stated publicly that Pakistan will not manufacture a nuclear explosives device.''—Deputy Assistant Secretary of State Howard Shaffer, congressional testimony, 2/6/84.

''I must make one thing absolutely clear: contrary to the mischievous foreign propaganda, no foreign country has given financial or technical aid to us in this [nuclear] field . . . The 'Islamic bomb' is a figment of the Zionist mind . . .''.—Dr. Abdul Qadeer Khan, Pakistan's top nuclear scientist, interview published 2/10/84.

''Pakistan has stated time and again that it has absolutely no intention of using nuclear technology for military purposes.''—President Zia-Ul-Haq, address on 7/10/84.

''Pakistan does not deny that it has a research and development program on uranium enrichment at Kahuta. But it is of a modest scale and is designed entirely for acquiring technology to meet Pakistan's future power generation requirements based on light water reactors . . . Pakistan has no team for designing nuclear weapons . . . Pakistan has never used Turkey as a channel for the import of materials from French or West German companies. Nor has it imported uranium from Libya . . . It was established long ago that Libya was not giving Pakistan any assistance for its nuclear program. Similarly, the allegation of Saudi help is also without foundation. For its non-existent nuclear weapons program Pakistan has neither sought nor has it received assistance from China.''—Information Division, Embassy of Pakistan, July 1984.

''We have repeatedly declared that our nuclear energy program has an exclusively peaceful dimension and that we have no intention of acquiring or manufacturing nuclear weapons . . . The allegation of any nuclear cooperation between Pakistan and China has been rejected by both countries . . .''—Foreign Minister Sahabzada Yaqub Kahn, Islamabad, 7/28/84.

''We are now approaching the end of 1984, but the dread explosion of imaginary Pakistani nuclear device is nowhere in sight. What could be a more convincing proof of the sincerity of Pakistan's repeated assurances that its program is not weapon-oriented?''—Iqbal Butt, Minister of Information, Embassy of Pakistan, Washington Post, 8/30/84.

''I have no fears at all that [American] aid will be stopped. The relationship is based on trust and I have said we are not building a nuclear bomb.''—President Zia-Ul-Haq, interview with AP, 8/12/84. (Pakistan Affairs, 9/1/84).

''As we have repeatedly stated, we have assurances from the Pakistani government that its nuclear power program is entirely peaceful in intent and that it does not seek to acquire nuclear explosives of any kind.''—State Department spokesman John Hughes, quoted by AP, 10/25/84.

''We accepted President Zia-Ul-Haq's categorical statement that Pakistan's nuclear program is devoted entirely to power generation.''—US Ambassador at Large Richard Kennedy, 11/2/84, in Pakistan Affairs, 12/1/85.

''US officials say the letter [from President Reagan to President Zia] warned Zia not to process uranium at the controversial Kahuta plant outside Islamabad beyond 5 per cent enrichment . . . Zia's letter [of reply] gave assurances that Pakistan would respect the new marker . . . Other markers previously communicated to Pakistan include not testing a bomb, not reprocessing plutonium . . . not assembling a bomb, and not asking another country to test a device on Pakistan's behalf . . .''—Simon Henderson, London Financial Times, 12/7/84.

''. . . our [nuclear] programme is for our own resources to be generated. It is not for any atomic bomb or any other purpose.''—Prime Minister Mohammad Khan Junejo, interview, 6/14/85.

''The Government of Pakistan and its President have repeatedly declared that Pakistan would not produce nor acquire nuclear weapons, and that our research programme is for purely peaceful purposes.''—Ali Arshad, Embassy of Pakistan in UK, London Times, 9/27/85.

''I take this opportunity to reaffirm Pakistan's policy of developing nuclear energy for peaceful purposes only and its irrevocable commitment not to acquire nuclear weapons or nuclear explosive devices. Pakistan has neither the capability nor the desire to develop nuclear weapons.''—President Zia-Ul-Haq, Address before UN General Assembly, 10/23/85.

''As for the Kahuta laboratory, it has been clarified time and again at the highest political level that the modest exercise there in uranium enrichment is on a research and development scale. It is solely motivated by a desire to achieve a degree of self-reliance in the front end of the nuclear fuel cycle, that is, a 3-percent enrichment of uranium.''—Leaflet from Information Division, Embassy of Pakistan, October 1985.

''Let me add here, Mr. Chairman, President Zia has, in fact, given the most unequivocal assurances on the question of a nuclear explosives program. He has stated there will be no such explosives program completed and that he understands fully the concerns which we have expressed to him and respects those concerns.''—Ambassador Richard Kennedy, congressional testimony on 4/10/86.

''Dr. [Abdul Qadeer Khan] noted that President Zia ul-Haq had made a commitment to the U.S. not to enrich beyond 5 per cent and said ''we are keeping to it.''—Simon Henderson, interview with Dr. A.Q. Khan, Financial Times, 7/16/86.

''[Prime Minister Junejo reportedly assures U.S. senators that Pakistan is] . . . abiding by the guidelines'' established by the U.S. and specifically that Pakistan is keeping components separate.''—Don Oberdorfer, Washington Post, 7/17/86. [Oberdorfer wrote that Junejo appeared to be referring to Reagan's September 1984 letter asking Pakistan's to limit its uranium enrichment level at 5 percent, Oberdorfer added that ''Earlier U.S. messages to Pakistan reportedly included a warning not to assemble components in a way that would create a bomb.'']

''The prime minister [Junejo] confirmed that Pakistan pledged in response to a 1984 letter from Reagan not to enrich uranium in its nuclear facilities to a level higher than 5 percent.''—Interview with Prime Minister Mohammad Khan Junejo, Washington Post, 7/18/86.

''Ours is a modest research programme. Its aim is to acquire fuel production capability for the reactors we need to meet our energy requirements. I reiterate here that Pakistan has no intention to produce nuclear weapons. We do not posses the capability and the resources.''—Prime Minister Mohammad Khan Junejo, Foreign Policy Association, 7/21/86.

''[On U.S. concerns about Pakistan's bomb program] This matter has been raised between us and the United States for the last eight years. I have convinced them that we are using nuclear energy only for peaceful purposes.''—President Zia-Ui-Haq, Interview, 8/23/86.

''President Reagan in late 1984 told Pakistani President Mohammed Zia ul-Haq in a top-secret letter that 5 percent would be the highest enrichment level acceptable to the United States.''—Bob Woodward, Washington Post, 11/4/86.

''In an interview with the Post on July 18, [Prime Minister] Junejo confirmed that Pakistan had pledged, in response to a 1984 letter from Reagan, not to enrich uranium in its nuclear facilities to a level higher than 5 percent.''—Washington Post, 11/5/86.

''Pakistan does not have and is not producing highly enriched uranium necessary for a nuclear explosive device . . . the enrichment level has remained well within limits of the research and development program for fuel.''—Pakistani Foreign Secretary Abdul Sattar, Washington Post, 11/5/86.

''Pakistan has renounced for itself the military use of nuclear energy and has used this energy only in pecaeful fields.''—President Zia-Ul-Haq, Interview, 1/29/87.

''A Foreign Office spokesman said in Islamabad today that Pakistan's nuclear program is of a peaceful nature and this fact has been proved during the last 6 or 7 years.''—Karachi Domestic Service radio broadcast, 2/11/87.

Senator SASSER. ''Have the Pakistanis pledged not to continue illegal purchases of nuclear equipment or technology from the United States?''

Ambassador RICHARD KENNEDY. ''Yes sir, they have indicated which this is something which they understand is against the law and we have brought to their attention the law and its proscription.''—Hearing, Senate Committee on Governmental Affairs, 2/25/87.

''As I so often publicly stated, Pakistan's enrichment research is solely aimed at the development of fuel-grade uranium for our future power reactors. The Government of Pakistan has made it abundantly clear that it has no desire to produce nuclear weapons.''—Dr. Abdul Qadeer Khan, Pakistan's top nuclear scientist, NY Times, 3/2/87.

''The minister in charge for science and technology, Mr. Wasim Sajjad, categorically stated in the National Assembly today that Pakistan does not possess an atomic bomb, has no desire to have a bomb, and it cannot afford to manufacture and atomic bomb.''—Karachi Overseas Service broadcast, 3/5/87.

''No power on Earth can deter us from pursuing our peaceful nuclear program because our conscience is clear and our aim is peaceful.''—Pakistani Minister of State for Foreign Affairs, Zain Noorani, AP, 3/9/87.

''. . . we believe in nonproliferation, and our nuclear research is, therefore, devoted entirely to peaceful purposes . . . the president and prime minister of Pakistan have repeatedly expressed their commitment to nonproliferation . . .''—Pakistani Ambassador Jamsheed Marker, Washington Post, 3/1/87.

''We are not producing Atomic weapons nor intend to do so, but we shall continue to develop our nuclear capabilities for peaceful purposes no matter whether any of our friends likes it or not.''—Pakistani Minister of State for Foreign Affairs, Zain Noorani, statement, 3/16/87.

''. . . Pakistan has not enriched its uranium above the normal grade level required for peaceful purposes.''—President Zai-Ul-Haq, Time, 3/23/87.

''Pakistan has neither the desire, nor the intention, nor the capacity to develop a nuclear weapon . . . We have the ability to enrich uranium, but only below 5 percent, so it can only be used for power generation.'' [The article continued: ''Zia said he had made a written commitment to President Reagan that Pakistan would not embarrass the United States and he would not go back on this gentleman's agreement'']—Pakistani President Zia-Ul-Haq, Interview in Defense Week, 4/6/87.

President ZIA. ''We are honorable people, and when President Reagan wrote this [a certification in October 1986 that Pakistan does not possess the bomb], I gave him my assurances. When Prime Minister Junejo visited the United States of America early this, last year, he gave him the same assurances. And we will give him the assurances, with the word, that Pakistan's word is to be honored . . .''

Mr. MCLAUGHIN. ''. . . is it safe for him [Reagan] to say that . . . by giving you the aid, he is going to, in effect, discourage you from moving on to develop the nuclear bomb?''

President ZIA. ''According to the American thinking, he is just, and perfect and correct.''

Mr. MCLAUGHLIN. ''What about Pakistani thinking?''

President ZIA. ''Exactly the same, because we have no intention of developing a nuclear device.''

Mr. MCLAUGHLIN. ''How does it follow if he gives you the aid you will be disinclined to develop the bomb?''

President ZIA. ''Why do you want to have a bomb? To ensure security, to create a deterrent, to have our own defensive means. If we have it otherwise, why should Pakistan indulge in the proliferation, against which Pakistan on principle is opposed to?''

Mr. MCLAUGHLIN. [Asks if Pakistan is building the bomb by just producing all the components without assembling them.]

President ZIA. ''Nonsense. False. Totally false. When Pakistan does not have the intention or the urge and desire to have a nuclear device, why should we have——

Mr. MCLAUGHLIN. ''Why is this development going on?''

President ZIA. ''Our effort is only in the technical field, for peaceful purposes. They are just enriching uranium to a particular degree. That's all.''—President Zia-Ul-Haq, McLaughlin ''One on One,'' 6/15/87.

''No agency of the [Pakistan] government placed any order for this steel and no evidence has so far been brought to our knowledge that even any private company in Pakistan is responsible for this order.''—Pakistani foreign office spokesman, commenting about a recent US Customs sting operation, UPI, 7/16/87.

''. . . the Pakistan government has provided assurances both certainly in public as well as in private that it is not enriching [uranium] above 5 percent.''—Deputy Assistant Secretary of State Robert Peck, congressional testimony, 7/22/87.

''Pakistan's verifiable compliance with [its] past commitments is vital to any further United States military assistance.''—Text of S. Res. 266, passed the Senate by unanimous consent on 7/31/87.

''The time has come [for Pakistan] to choose. If it wants to build nuclear weapons, under US law, it cannot have US foreign assistance. It is time for the Government of Pakistan to take concrete action to bring its nuclear program in line with its assurances.''—Sen. Robert Byrd, Congressional Record, 7/31/87.

''[In passing S. Res. 266 Congress was] . . . simply calling upon the Government of Pakistan to make good on promises which it has already extended in the past years.''—Sen. Gordon Humphrey, Congressional Record, 7/31/87.

''[America and Pakistan] . . . share an overriding mutual interest that can best be promoted by Pakistan's decision to comply with this own stated policy for peaceful nuclear development.''—Sen. Bill Bradley, Congressional Record 7/31/87.

''Pakistan must be made to understand that the United States is to keep its commitments.''—Sen. Claiborne Pell, Congressional Record 7/31/87.

''. . . It is essential at a minimum that our allies, and especially the recipients of US economic and military assistance, understand that the United States expects reasonable commitments concerning non-proliferation.''—Sen. Jesse Helms, Congressional Record 7/31/87.

''Mr. Armacost [US Under Secretary of State] also stressed the importance of Pakistan's compliance, with their assurance not to enrich uranium about the five percent level.''—State Department spokesman Charles Redman, press briefing, 8/10/87.

''We are enriching uranium in very small quantities, meant only for peaceful purposes.''—Minister of State for Foreign Affairs, Zain Noorani, interview on 8/27/87.

''Pakistan, let me reiterate, is against the spread of nuclear weapons in South Asia.''—Foreign Minister Yaqub Khan, speech in Islamabad, 9/1/87.

''The bogey of 'the Islamic bomb' was made up in countries that mean harm to Islam and Pakistan . . . We have neither the intention nor the capability to produce a nuclear weapon . . . Our [nuclear] technology has no military dimension . . . we have stated many times that we do not possess a bomb.''—President Zia-Ul-Haq, interview published on 10/3/87 Jordan.

''I have said in that past that we are not manufacturing a bomb. We are using nuclear technology for peaceful purposes . . . [Pakistan and Turkey] are not cooperating on the manufacture of a bomb. The Jewish lobby is probably behind such reports.''—President Zia-Ul-Haq, interview published on 10/4/87 in Turkey.

''We gave [the United States nonproliferation] commitments at an earlier stage and as an elected government I will only go further'' [if India gives commitments also].—Prime Minister Mohammed Khan Junejo, interview in Washington Post, 10/13/87.

Ambassador KENNEDY. ''. . . Pakistan has assured us that they were conducting their [nuclear] program wholly for peaceful purposes . . . they have told us that they are renouncing nuclear explosives of any kind . . . and as to their enrichment facility, they have indicated that it is devoted to producing material at low enrichment levels for peaceful purposes only . . . [and] they have indicated that they would not undertake any testing . . .''

Mr. SOLARZ. ''Have they also given us some assurances that they are not and do no intend to enrich uranium over the five percent level?''

Ambassador KENNEDY. ''The president [Zia] has stated that publicly . . .''

Mr. SOLARZ. ''I have the impression that position is also being conveyed directly to President Reagan by President Zia.''

Ambassador KENNEDY. ''The same kind of statement . . .''

Mr. WOLPE. ''Are they not continuing to enrich uranium beyond the 5-percent level . . . In blatant violation of their own expressed explicit commitment to President Reagan?''

Ambassador KENNEDY. ''That may well be, and we are concerned about that, and it is precisely because of that, we are exerting all kinds of pressure on them.''—Ambassador Richard Kennedy, congressional testimony, 10/22/87.

''Pakistan . . . is not for a nuclear device, and I can assure you we will not embarrass

the U.S. by suddenly producing one . . . The truth is that we don't have a device and we are not building one . . .''—President Zia-Ul-Haq, interview published in Washington Time, 11/16/87.

''[Pakistan has neither] . . . the capability nor the intention'' to produce nuclear weapons.—President Zia-Ul-Haq, interview published in Wall Street Journal, 12/1/87.

''In his interview . . . Zain Noorani reiterated that Pakistan's atomic program is totally peaceful and its objective is to make the country self reliant in energy resources by 2000 AD.''—Minister of State for Foreign Affairs Zain Noorani, Islamabad Domestic Service broadcast, 1/9/88.

''I am aware of your abiding interest in and strong commitment to, nuclear non-proliferation. We share these concerns, for Pakistan has unequivocally committed itself to nuclear non-proliferation.''—Letter from Pakistani Ambassador Jamsheed Marker to Sen. John Glenn, 1/20/88.

''The Pakistan government has not modified its position that its uranium enrichment activities are strictly peaceful and that it will not enrich uranium above the 5% level, nor has it given any new assurances with respect to its enrichment activities.''—Deputy Assistant Secretary of State Robert Peck, congressional testimony, 2/17/88.

''In August [1984], President Reagan drafted a letter to Zia warning Pakistan not to cross 'the red line' of enriching uranium above 5 percent . . . the President's letter, sent on Sept. 12 . . . [warned] that if Zia crossed the 5 percent 'red line,' he would face unspecified 'grave consequences.' In November 1984 . . . President Zia gave written assurances to Reagan that the American limit would be respected.''—Hedrick Smith, ''A Bomb Ticks in Pakistan,'' NY Times Magazine, 3/16/88.

''Perhaps the [US] effort was to stop us from that enrichment program. Having seen that Pakistan has gone and succeeded, the best thing now is to enjoy and relax.'' [Zia reportedly also stated that Pakistan does not have a nuclear weapon or a program to build one.]—President Zia-Ul-Haq, interview in Wall Street Journal, 4/26/88.

''Pakistan's commitment to nuclear non-proliferation is firm and unwavering . . . Pakistan does not possess nuclear weapons, nor does it intend to possess them. We have not carried out a nuclear explosion nor do we intend to conduct one. Our nuclear programme is emphatically peaceful in nature. Indeed, we are firm in our resolve to keep our area free from all nuclear weapons.''—Pakistan's UN Ambassador S. Shah Nawaz, address before UN General Assembly, 6/13/88.

''Pakistan's nuclear programs are peaceful and do not represent a threat to any other nation in the region. Pakistan has repeatedly declared, at the highest levels of our government, that we do not possess, and have no intention of developing, a nuclear weapon.''—Letter from Pakistani Ambassador Jamsheed Marker to Sen. John Glenn, 8/4/88.

''We don't want any controversy [with the US] on the nuclear issue . . . We want it clear beyond doubt that we're interested only in energy, not nuclear weapons.''—Opposition leader Benazir Bhutto, Washington Post, 11/19/88, shortly before becoming Prime Minister.

''We believe in a peaceful [nuclear] program for energy purposes and nothing else.''—Opposition leader Benazir Bhutto, interview in Time, 11/28/88.

''I can tell you with confidence that there is no bomb programme in Pakistan . . . There is no bomb programme . . . there is no bomb programme.''—Prime Minister Benazir Bhutto, interview in Calcutta *Telegraph*, 12/14/88.

''We're committed to a peaceful energy program. We don't have any [nuclear] weapons policy . . . Pakistan doesn't have any intention to get a nuclear device or a nuclear weapon.''—Prime Minister Benazir Bhutto, interviewed on ''McNeil/Lehrer,'' 12/16/88.

''Talking to a visiting American [congressional] delegation . . . President Ghulam Ishaq Khan stated categorically that Pakistan's nuclear program was designed purely for peaceful purposes and that Pakistan had no intention to build or acquire nuclear weapons.''—Islamabad Domestic Services broadcast, 1/16/89.

''It is right to say that we are one of the 'threshold' states . . . We have deliberately chosen not to take the final step, to build a bomb and test it, because we don't think it is right.''—Pakistani Ambassador Jamsheed Marker, quoted in Washington Times, 2/8/89.

''We manufactured small reactors and built nuclear power plants. However, we have never considered this for military purposes.''—Minister of State for Defense Ghulam Sarwar Cheema, in Istanbul Hurriyet, 5/4/89.

''The Pakistan delegate, Mr. Mirza Javed Chauhan, told the [UN] Disarmament Commission that Pakistan does not possess nuclear weapons, nor does it have any intention to do so.''—Islamabad Domestic Service broadcast, 5/10/89.

''Speaking for Pakistan, I can declare that we do not possess nor do we intend to make a nuclear device. That is our policy.''—Prime Minister Benazir Bhutto, address before Joint Session of US Congress, 6/7/89.

''. . . Bhutto promised during her visit that Pakistan will not produce 'weapons-grade uranium' . . . or take the final step to assemble a nuclear device.''—Washington Post, 6/15/89.

''Pakistan has not, nor do we have any intention of putting together or making, a bomb, or taking it to the point where you can put it together.''—Prime Minister Benazir Bhutto, New York Times, 7/10/89.

''Pakistani Prime Minister Benazir Bhutto on Sunday flatly denied speculation that her country is developing nuclear weapons. She said in an interview with a British television network that Pakistan will never possess such weapons in the future.''—Reported by Kyodo News Service, 7/10/89.

''We do have the knowledge but I think there is a difference between knowledge and capability . . . So we do have a knowledge, if confronted with a threat, to use . . . But we do not in the absence of any threat intend to use that knowledge . . . In fact, as matter of policy my government is firmly committed to nonproliferation.''—Prime Minister Benazir Bhutto, quoted by AFP, 8/29/89.

''It is true that Pakistan has certain knowledge in the nuclear field but it has no intention of using this knowledge . . . To put it another way, we do not want to convert this knowledge into—shall we say—a nuclear capability at the present time.''—Prime Minister Benazir Bhutto, interview in Die Welt, as quoted by Reuters, 10/22/89.

''There was a [nuclear weapons] capability in 1989 when the present Government came to power, and that means we could have moved forward in an unwise direction . . . But we didn't. Instead, we froze the program.''—Pakistani Foreign Secretary Shahryar Khan, NY Times, 2/8/92.

''We kept our part of the bargain but Pakistan let us down by crossing the line in 1990 . . . We had promised Pakistan billions and billions of dollars if that line was not crossed.''—John Malott, interim director of State Department South Asia Bureau, AFP, 5/16/93.

''India is the nuclear delinquent in the region while Pakistan has always been exercising restraint . . . [Pakistan] does not possess a nuclear explosive device and does not intend to make one.''—Pakistani Foreign Minister Assef Ahmed Ali, quoted in AFP, 11/28/93.

''We are a very responsible country, and we do not believe in the proliferation of nuclear weapons.''—Pakistani Foreign Minister Assef Ahmed Ali, quoted in Washington Times, 8/25/94.

''I want to say categorically and finally that Pakistan has not made nuclear weapons . . . Pakistan does not intend to make nuclear weapons.''—Pakistani Foreign Minister Assef Ahmed Ali, quoted in New York Times, 8/25/94.

''We have made a sovereign decision not to produce nuclear weapons.''—Munir Akram, foreign ministry spokesman, Washington Times, 8/25/94.

''We have neither detonated one, nor have we got nuclear weapons . . . being a responsible state and a state committed to non-proliferation, we in Pakistan, through five successive governments have taken a policy decision to follow a peaceful nuclear program.''—Prime Minister Benazir Bhutto, interview with David Frost on PBS, 11/18/94.

''. . . Pakistan has not acquired the [nuclear-capable] M–11 or any other missile from China that violates the Missile Technology Control Regime . . .''.—Press Release, Information Division, Pakistan Embassy, 7/27/95.

Senator BROWN. ''Did we have an agreement with the Pakistani government that in return for the assistance we provided, that they would not develop nuclear weapons? Was that a condition for our cooperation with them in the late 1980's?''

Assistant Secretary RAPHEL: ''The short answer to that is no. There was no such explicit agreement . . . there was no explicit quid pro quo there.''—Testimony of Assistant Secretary of State Robin Raphel, South Asia subcommittee of Senate Foreign Relations Committee, 9/14/95.

EXHIBIT 3

FROM MYTH TO REALITY: EVIDENCE OF PAKISTAN'S ''NUCLEAR RESTRAINT''

Early 1980's—Multiple reports that Pakistan obtained a pre-tested, atomic bomb design from China.

Early 1980's—Multiple reports that Pakistan obtained bomb-grade enriched uranium from China.

1980—U.S. nuclear export control violation: Reexport via Canada (components of inverters used in gas centrifuge enrichment activities).

1981—U.S. nuclear export control violation: New York, zirconium (nuclear fuel cladding material).

1981—AP story cites contents of reported U.S. State Department cable stating ''We have strong reason to believe that Pakistan is seeking to develop a nuclear explosives capability . . . Pakistan is conducting a program for the design and development of a triggering package for nuclear explosive devices.''

1981—Publication of book, Islamic Bomb, citing recent Pakistan efforts to contruct a nuclear test site.

1982/3—Several European press reports indicate that Pakistan was using Middle Eastern intermediaries to acquire bomb parts (13-inch ''steel spheres'' and ''steel petal shapes'').

1983—Recently declassified U.S. government assessment concludes that ''There is unambiguous evidence that Pakistan actively pursuing a nuclear weapons development program . . . We believe the ultimate application of the enriched uranium produced at Kahufa, which is unsafeguarded, is clearly nuclear weapons.''

1984—President Zia states that Pakistan has acquired a ''very modest'' uranium enrichment capability for ''nothing but peaceful purposes.''

1984—President Reagan reportedly warns Pakistan of ''grave consequences'' if it enriches uranium above 5%.

1985—ABC News reports that U.S. believes Pakistan has ''successfuly tested'' a ''firing mechanism'' of an atomic bomb by means of a non-nuclear explosion, and that U.S. Krytrons ''have been acquired'' by Pakistan.

1985—U.S. nuclear export control violation: Texas, Krytrons (nuclear weapon triggers).

1985—U.S. nuclear export control violation: U.S. cancelled license for export of flash x-ray camera to Pakistan (nuclear weapon diagnostic uses) because of proliferation concerns.

1985/6—Media cites production of highly enriched, bomb-grade uranium in violation of a commitment to the U.S.

1986—Bob Woodward article in Washington Post cites alleged DIA report saying Pakistan ''detonated a high explosive test develop between Sept. 18 and Sept. 21 as part of its continuing efforts to build an implosion-type nuclear weapon''; says Pakistan has produced uranium enriched to a 93.5% level.

1986—Press reports cite U.S. ''Special National Intelligence Estimate'' concluding that Pakistan had produced weapons-grade material.

1986—Commenting on Pakistan's nuclear capability, General Zia tells interviewer, ''It is our right to obtain the technology. And when we acquire this technology, the Islamic world will possess it with us.''

1986—Recently declassified memo to then-Secretary of State Henry Kissinger states, ''Despite strong U.S. concern, Pakistan continues to pursue a nuclear explosive capability * * * If operated at its nominal capacity, the Kahuta uranium enrichment plant could produce enough weapons-grade material to build several nuclear devices per year.''

1987—U.S. nuclear export control violation: Pennsylvania, maraging steel & beryllium (used in centrifuge manufacture and bomb components).

1987—London Financial Times reports U.S. spy satellites have observed construction of second uranium enrichment plant in Pakistan.

1987—Pakistan's leading nuclear scientist states in published interview that ''what the CIA has been saying about our possessing the bomb is correct.''

1987—West German official confirms that nuclear equipment recently seized on way to Pakistan was suitable for ''at least 93% enrichment'' of uranium; blueprints of uranium enrichment plant also seized in Switzerland.

1987—U.S. nuclear export control violation: California, oscilloscopes, computer equipment (useful in nuclear weapon R&D).

1987—According to photocopy of a reported German foreign ministry memo published in Paris in 1990, U.K. government official tells German counterpart on European nonproliferation working group that he was ''convinced that Pakistan had 'a few small' nuclear weapons.''

1988—President Reagan waives an aid cutoff for Pakistan due to an export control violation; in his formal certification, he confirmed that ''material, equipment, or technology covered by that provision was to be used by Pakistan in the manufacture of a nuclear explosive device.''

1988—Hedrick Smith article in New York times reports U.S. government sources believe Pakistan has produced enough highly enriched uranium for 4–6 bombs.

1988—President Zia tells Carnegie Endowment delegation in interview that Pakistan has attained a nuclear capability ''that is good enough to create an impression of deterrence.''

1989—Multiple reports of Pakistan modifying U.S,-supplied F–16 aircraft for nuclear delivery purposes; wind tunnel tests cited in document reportedly from West German intelligence service.

1989—Test launch of Hatf–2 missile: Payload (500 kilograms) and range (300 kilometers) meets ''nuclear-capable'' standard under Missile Technology Control Regime.

1989—CIA Director Webster tells Senate Governmental Affairs Committee hearing that ''Clearly Pakistan is engaged in developing a nuclear capability.''

1989—Media claims that Pakistan acquired tritium gas and tritium facility from West Germany in mid-1980's.

1989—ACDA unclassified report cites Chinese assistance to missile program in Pakistan.

1989—U.K. press cites nuclear cooperation between Pakistan and Iraq.

1989—Article in Nuclear Fuel states that the United States has issued ''about 100 specific communiques to the West German Government related to planned exports to the Pakistan Atomic Energy Commission and its affiliated organizations;'' exports reportedly included tritium and a tritium recovery facility.

1989—Article in Defense & Foreign Affairs Weekly states ''source close to the Pakistani nuclear program have revealed that Pakistani scientists have now perfected detonation mechanisms for a nuclear device.''

1989—Reporting on a recent customs investigation, West German magazine Stern reports, ''since the beginning of the eighties over 70 [West German] enterprises have supplied sensitive goods to enterprises which for years have been buying equipment for Pakistan's ambitious nuclear weapons program.''

1989—Gerard Smith, former U.S. diplomat and senior arms control authority, claims U.S. has turned a ''blind eye'' to proliferation developments in Pakistan and Israel.

1989—Senator Glenn delivers two lengthy statements addressing Pakistan's violations of its uranium enrichment commitment to the United States and the lack of progress on nonproliferation issues from Prime Minister Bhutto's democratically elected government after a year in office; Glenn concluded, ''There simply must be a cost to non-compliance—when a solemn nuclear pledge is violated, the solution surely does not lie in voiding the pledge.''

1989–90—Reports of secret construction of unsafeguarded nuclear research reactor; components from Europe.

1990—U.S. News cites ''western intelligence sources'' claiming Pakistan recently ''cold-tested'' a nuclear device and is now building a plutonium production reactor; article says Pakistan is engaged in nuclear cooperation with Iran.

1990—French magazine publishes photo of West German government document citing claim by U.K. official that British government believes Pakistan already possesses ''a few small'' nuclear weapons; cites Ambassador Richard Kennedy claim to U.K. diplomat that Pakistan has broken its pledge to the U.S. not to enrich uranium over 5%.

1990—London Sunday Times cites growing U.S. and Soviet concerns about Pakistani nuclear program; paper claims F–16 aircraft are being modified for nuclear delivery purposes; claims U.S. spy satellites have observed ''heavily armed conveys'' leaving Pakistan uranium enrichment complex at Kahuta and heading for military airfields.

1990—Pakistani biography of top nuclear scientist (Dr. Abdul Qadeer Khan and the Islamic Bomb) claims U.S. showed ''model'' of Pakistani bomb to visiting Pakistani diplomat as part of unsuccessful nonproliferation effort.

1990—Defense & Foreign Affairs Weekly reports ''U.S. officials now believe that Pakistan has quite sufficient computing power in country to run all the modeling necessary to adequately verify the viability of the country's nuclear weapons technology.''

1990—Dr. A.Q. Khan, father of Pakistan's bomb, receives ''Man of the Nation Award.''

1990—Washington Post documents 3 recent efforts by Pakistan to acquire special arc-melting furnaces with nuclear and missile applications.

1991—Wall Street Journal says Pakistan is buying nuclear-capable M–11 missile from China.

1991—Sen. Moynihan says in television interview, ''Last July [1990] the Pakistanis machined 6 nuclear warheads. And they've still got them.''

1991—Time quotes businessman, ''BCCI is functioning as the owners' representative for Pakistan's nuclear-bomb project.''

1992—Pakistani foreign secretary publicly discusses Pakistan's possession of ''cores'' of nuclear devices.

EXHIBIT 4

ARE PAKISTAN'S F–16'S ''NUCLEAR-CAPABLE''? IT DEPENDS ON WHO YOU ASK

William T. Pendley, Office of Assistant Secretary of Defense/ISA, Letter to Sen. Glenn on 13 April 1993:

''Pakistan could . . . theoretically attach a [nuclear] weapon and deliver it to a target with their F–16s, or any other aircraft in their inventory, if arming and fuzing procedures were accomplished before takeoff, and safety and placement accuracy were not considered.''

Robert Gates, CIA Director, Testimony Before Senate Governmental Affairs Committee, 15 January 1992:

[Sen. Glenn]—''How about delivery systems? Is there any evidence that Pakistan converted F–16s for possible nuclear delivery use?

[Gates]—''We know that they are—or we have information that suggests that they're clearly interested in enhancing the ability of the F–16 to deliver weapons safely. But we don't really have—they don't require those changes, I don't think, to deliver a weapon. We could perhaps provide some additional detail in a classified manner.''

''Assessing ballistic missile proliferation and its control, ''Report of Center for International Security and Arms Control, Stanford University, November 1991:

''Pakistani F–16 aircraft could be effective nuclear-delivery vehicles even if Pakistan's nuclear warheads are large and heavy.''

''Western intelligence sources'' cited in U.S. News & World Report, 12 February 1990:

''The sources say Pakistan, in violation of agreements with Washington, is busily converting U.S.-supplied F–16 fighter planes—60 more are scheduled to be sent this year—into potential nuclear-weapons carriers by outfitting them with special structures attached to the plane's underwing carriage. The structure allows the mounting of a dummy under one wing of the F–16 to balance the weight of the bomb under the other wing.''

Deptuy Assistant Secretary of Defense Arthur Hughes, testimony before House Subcommittee, 2 August 1989:

''In order to deliver a nuclear device with any reasonable degree of accuracy and safety, it first would be necessary to replace the entire wiring package in the aircraft. In addition to building a weapons carriage mount, one would also have to re-do the fire control computer, the stores management system, and mission computer software to allow the weapon to be dopped accurately and to redistribute weight and balance after release. We believe this capability far exceeds the state of the art in Pakisan and could only be accomplished with a major release of data and industrial equipment from the U.S.'' . . .

[Rep. Solarz]—Now, in your testimony, Mr. Hughes, I gather you've said that the F–16s which we have already sold them are not nuclear capable?

[Hughes]—That's right sir.

[Rep. Solarz]—And the planes we're planning to sell will not be configured in such a way that they could deliver nuclear ordnance?

[Hughes]—That's right, Mr. Chairman.

Deputy Assistant Secretary of State Teresita Schaffer, testimony before House Subcommittee, 2 August 1989:

''None of the F–16s Pakistan already owns or is about to purchase is configured for nuclear delivery. Pakistan, moreover, will be obligated by contract not to modify its new acquisitions without the approval of the United States.''

Views attributed to German Intelligence Agency (BND), in Der Spiegel, 24 July 1989:

''The Pakistanis have secretly planned to use the fighter aircraft as a delivery system for their bomb. According to a report by the Federal Intelligence Service (BND), relevant tests have already been successfully concluded. The BND has reported to the Chancellor's Office that, using an F–16 model, the Pakistanis have made wind tunnel tests and have designed to shell of the bomb in a way that allows them to install it underneath the wings. At the same time, the detonating mechanism has been improved, so that the weapons can now be used. . . According to the BND report, the Pakistanis long ago found out how to program the F–16 onboard computer to carry out the relevant flight maneuvers in dropping the bomb. According to the report from Pullach [BND headquarters], they also know how to make the electronic contact between the aircraft and the bomb.''

Sen. John Glenn, letter to President Ronald Reagan, 5 March 1987:

''And I believe we should continue to try to provide assistance to the Afghans. But if the price that must now be paid is acceptance of Pakistani nuclear weapons production along with the continued provision of a 'make in the U.S.A.' delivery system (F–16s), a combination certain to ultimately erode the national security of the United States and some of its closest allies, then the price is too high.''

Undersecretary of State James Buckley, testimony before the Senate Foreign Relations Committee, 12 November 1981:

[Sen. Hayakawa]—''Do the F–16's provide Pakistan with a delivery system for nuclear devices?''

[Buckley]—''Yes, they would. But by the same token, this is not the only aircraft that would have that capability. My understanding is that the Mirage III currently possessed by Pakistan, would have the capability of delivering a small nuclear device.''

E.F. Von Marbod, Director of Defense Security Assistance Agency, testimony before two House Subcommittees, 16 September 1981:

[Solarz]—''I gather the F–16's are technically capable of carrying nuclear weapons. Will the F–16's supplied Pakistan be able to carry nuclear weapons?''

[Von Marbod]—''Mr. Solarz, all nuclear capabilities will be deleted from these F–16's. All wiring to the pylons, all computer software programs that manage the hardware stores and all cockpit controls that are nuclear-related.''

Several Senators addressed the Chair.

Mr. GLENN. Mr. President, I ask unanimous consent that a letter to the President regarding the Pakistani situation that I sent on April 19 be printed in the RECORD, and I reserve the remainder of my time.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC, April 19, 1995.

President WILLIAM CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing to express my concern about the direction of U.S. nonproliferation policy in South Asia in the wake of the visit last week of Prime Minister Benazir Bhutto of Pakistan. Press reports and commentary regarding her visit and the joint press conference you held with her have been singularly devoid of information on the history of the Pressler Amendment, the activities of Pakistan in the nuclear area, and the circumstances surrounding the two 1989 contracts for the sale of F–16s. Without such understanding, it is easy to conclude that an injustice has been perpetrated upon Pakistan, and that to rectify it, a major adjustment in our nonproliferation policy must be made. The truth, however, is much more complicated, and the problem does not lend itself to easy resolution.

To understand how we have arrived at this difficult state of affairs with Pakistan, in which they have paid $658 million in cash and used $200 million in credits for 28 F–16s but cannot have them delivered, let us review some history.

In the mid–70s, Congress became concerned about increasing evidence of international nuclear trade in dangerous technologies associated with producing nuclear weapon materials. A number of countries, including but not limited to Pakistan, South Korea, Brazil, and Taiwan were actively engaged in seeking such technologies, and suppliers such as France and Germany seemed prepared to meet the demand. In an attempt to dampen such activity, in 1976 and 1977, Congress enacted what is now called the Glenn/Symington amendment to the Foreign Assistance Act which provided that countries importing or exporting such dangerous technologies under certain conditions would be cut off from U.S. economic and military assistance. This law was universal in its application and was not directed specifically toward Pakistan. Nonetheless, in 1979, after much information became available about illegal Pakistani activities involving the smuggling of design information and equipment related to nuclear enrichment, President Carter invoked the Glenn/Symington Amendment to cut off the Pakistanis. After the war in Afghanistan broke out, attempts by the Carter Administration to restore some assistance to Pakistan in return for restraint on their nuclear program were rebuffed by the Pakistanis.

When the Reagan Administration arrived, aid to Pakistan and the Mujahideen was high up on the administration's foreign policy agenda, and the repeal of the Glenn/Symington Amendment was suggested during Congressional consultations. This was rejected. Instead, a proposal was made and adopted into law that allowed the President to resume aid to Pakistan for six years despite its violations of ''Section 669'' of the Glenn/Symington Amendment (relating the uranium enrichment activities). President Reagan used this authority in 1982 and also issued a waiver under ''Section 670'' of the amendment (relating to reprocessing activities) to exempt Pakistan indefinitely from the cutoff provisions of that section of the Glenn/Symington legislation as well/ (He could not do the same under Section 669 unless he had ''reliable assurances'' that the Pakistanis were not developing nuclear weapons, and such assurances were clearly not available). Thus, a specific waiver for Pakistan was created (and has been subsequently renewed five times) that allowed them to escape from the sanctions imposed by U.S. law for proliferators. This has been done for no other country that I am aware of.

Nonetheless, Congress was unwilling to give a complete blank check to Pakistan, and stipulated in the waiver legislation that Pakistan would still be cut off if it received or exploded a nuclear device. In addition, Congress stipulated that an annual report would be provided on Pakistan's nuclear activities so that Congress could confirm that U.S. assistance was indeed inhibiting Pakistan's bomb program as was confidently assumed by Reagan Administration officials.

Those reports, along with supplementary intelligence information, revealed that there was no effect whatsoever on the pace or direction of the Pakistani bomb program. The Pakistanis continued to say publicly that they had no nuclear weapons program, and continually lied to U.S. authorities whenever questioned. Indeed, then-President Zia and the then-head of the Pakistani Atomic Energy Commission, Munir Khan, both lied directly to me during my visit to Islamabad in 1984 when I asked them about information I had concerning their nuclear program.

The result of all this mendacity, plus ongoing information that the Pakistani program was progressing, was the enactment of the Pressler Amendment, passed in 1985, which was designed to draw a new line in the sand regarding the extent of U.S. forbearance of Pakistan's nuclear weapons program. The amendment required the U.S. President to certify annually that Pakistan did not ''possess'' a nuclear explosive device in order for assistance to continue, and that such assistance would ''significantly reduce the risk'' that Pakistan would possess such a device. Please note that the argument about the Pressler Amendment being unfair because it applies only to Pakistan is completely disingenuous because it ignores the fact that Pressler was created to shape further the unique, special exemption from U.S. nonproliferation law given to Pakistan years earlier.

It has been reported that C.I.A. officials who were privy to intelligence information concerning the Pakistani program were skeptical, beginning from 1987 on, that the President could make the appropriate certifications under Pressler to allow aid to continue. Statements from high ranking Pakistani officials around this time suggested that they had the bomb within their grasp. Nonetheless, President Reagan in 1987 and 1988, and President Bush in 1989 made those certifications. It has also been reported that President Bush told the Pakistanis in 1989 that he would be unable to make the certification in 1990.

Now, the contracts for the sale of 28 F–16s was signed in 1989, the year Pakistan was ostensibly warned that there would be no further certifications that would allow them to receive military equipment from the United States. The first cash payment (of $50 million) was made at the beginning of FY 1990. Subsequent to the cutoff, which took effect in October, 1990, Pakistan continued to send periodic payments for the manufacture of F–16s, i.e., $150 million in FY 1991, $243 million in FY 1992, and $215 million in FY 1993, for a total of $658 million.

Why did they continue to send money when U.S. law would not enable them to receive the planes? This is a question only they can answer. But it is not unlike an investor buying the stock of a company whose assets are under a lien in the hope that the lien will somehow be removed. If it doesn't get removed, the investor can hardly call ''foul''.

All this is not to say that the Pakistanis are not entitled to any sympathy in their national security plight in South Asia. They have fought three wars with a much larger adversary, India, who is also pursuing a nuclear weapons program and exploded a device in 1974. By virtue of India's nuclear program being indigenous and therefore not in violation of the terms of the Glenn/Symington Amendment, the Indians have not been subject to the amendment's sanctions (which would not have been effective in any case, since the Indians received only token amounts of economic or military assistance from the U.S.). That is not the same thing as saying that U.S. law is discriminatory in its application.

As I write this, more than 170 nations are meeting in New York to determine whether and for how long to extend the Nuclear Nonproliferation Treaty. It has been the policy of every American President over the past twenty five years since the Treaty went into effect to support the Treaty and we have been steadfast in that support. As a result, we have every right to ask, as you have done, that the members of the Treaty vote for indefinite extension. The NPT has been a success because we have cooperated with those Parties to the Treaty who have taken their nonproliferation commitments seriously, just as we are taking our own commitments seriously by reducing our stockpiles of weapons and engaging in a moratorium on testing.

How will we be keeping faith with those 170+ nations meeting in New York if the message we send is that a proliferator with a history of mendacity can receive from the United States a significant number of nuclear weapons delivery systems (F–16s)? To ask the question is to give the answer.

The U.S. cannot be a champion of nonproliferation on the one hand and a facilitator of nuclear weapons development or delivery on the other. To send F–16s to Pakistan with full realization of the history I have laid out in this letter would be a gross violation of our commitment to foster a nonproliferation ethic in the world through the NPT and other means, and would rightfully subject us to strong international criticism.

I am not an enemy of Pakistan, and I have supported them when they have been threatened in the past, such as during the war in Afghanistan. And I, along with you, Mr. President, want their cooperation in the fight against terrorism and drugs. Surely we ought to be able to find a way to support them in these activities without giving them a nuclear weapons delivery system. I am prepared to discuss with you or your representatives various options in which such support might be provided without undermining our nonproliferation standing and efforts around the world.

As to the cash payments for the F–16s, we cannot ignore the fact that, contrary to the grossly incorrect public statement made by Assistant Secretary Robin Raphel at a White House briefing on April 11, no payments were made by Pakistan before FY1990. Sticking to the payment schedule of the contract until FY1993 was a gamble by Pakistan that didn't pay off, and now they want to be held harmless from losing their gamble. It is perhaps unfortunate that U.S. officials did not disabuse the Pakistanis of the hope that making those payments would put pressure on the U.S. to reverse the Pressler sanctions and deliver the planes, but that is no reason to turn that hope into reality now.

In closing, Mr. President, I urge again that in finding ways to improve our relations with Pakistan, we not lose sight of the importance of keeping good relations with the nonproliferators of the world. They have a large claim on our loyalty.

Sincerely,

JOHN GLENN,
Ranking Member.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BROWN. Mr. President, I defer to the distinguished Senator from Rhode Island.

Mr. GLENN. I thank my colleague and I yield 10 minutes to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The senior Senator from Rhode Island is recognized.

ENVIRONMENTAL PROVISIONS

Mr. PELL. Mr. President, I would like to briefly draw the attention of my colleagues to the funding measures that the foreign operations appropriation bill recommends with regard to our participation in important ongoing international environmental efforts. In particular, I wish to refer to the allocation of $50 million that have been earmarked for the Global Environment Facility, commonly referred to as the GEF. At the outset, let me highlight that while this amount falls short of the $110 million that the administration had requested, it represents a 66-percent increase from the amount that the House of Representatives had recommended. This important increase is the result of the joint efforts of Democrats and Republicans, who in a spirit of bipartisanship joined their efforts to increase funding for international environmental activities.

Mr. President, the GEF was recently restructured and now represents all the good that can come out of sound international efforts on the environment. The committee report that accompanies the foreign operations bill correctly emphasizes the need to maintain U.S. leadership in this vital organization, which seeks to combat ocean pollution, ozone depletion, loss of biodiversity, and other serious threats to the Earth's environment. Specifically, the GEF aims to assist developing countries in meeting the new challenges of sustainable development.

We are now at a time where the impacts of global change are starting to have significant effects on our environment and the United States just cannot afford to relinquish its leadership role. This point was highlighted in a recent editorial piece in the New York Times, which enumerated the mounting evidence experts now have on the depletion of the ozone layer and other climate change factors. I ask unanimous consent that a copy of this article be included at the end of my remarks. We should not be reducing our commitment to a healthy global environment at such a critical time.

I also note that the Senate Appropriations Committee has increased from the House bill the amount that will be dedicated to international organizations and programs, which also includes U.S. efforts to promote sustainable development, and particularly the protection of the global environment. The United States has been an active partner in the activities of the U.N. Framework Convention on Climate Change and the Montreal Protocol on the Depletion of the Ozone Layer. The administration has highlighted the fact that the Montreal protocol fund is a low-cost and very effective shield to protect the health of our citizens and our environment. The U.N. Framework Convention on Climate Change addresses the problem of climate change with policies that are both good for the environment and good for the economy. The committee report recognizes the importance of these organizations and programs and urges that adequate funding be provided for these important activities.

The need to protect biodiversity is also highlighted as a priority and the report recognizes that global biological wealth is vital to U.S. security and key to our own agricultural and pharmaceutical interests. The report thus urges AID to remain active in regions that are significant for biological diversity. I support that commitment.

Finally, the foreign operations bill recognizes the key role played by the U.N. Environment Programme [UNEP], by requiring that any reduction in the amounts made available for UNEP shall not exceed the percentage by which the total amount appropriated for international operations and programs is reduced. UNEP provides a means to pursue international environmental standards that are both compatible with U.S. interests and comparable to U.S. regulatory requirements and restraints. Further, UNEP goals are complementary to our own, particularly in the area of climate change and ozone depletion.

Mr. President, I am grateful for the bipartisn approach that prevailed in the Appropriations Committee which has allowed us to ensure that the United States will remain committed in our very important efforts to protect the environment.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the New York Times on that subject, and I yield the floor.

There being no objection, the articles was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 18, 1995]

GLOBAL WARMING HEATS UP

The evidence mounted last week that man-made gases are causing deterioration of the earth's atmosphere. First came news that a United Nations scientific panel believes it has found, for the first time, evidence that human activities are indeed causing a much-debated warming of the globe. The report, though preliminary, appeared to strengthen the case that governments throughout the world may need to take stronger action to head off potential damage.

Then came an announcement from the World Meteorological Organization that a worrisome hole in the earth's protective ozone shield appears to be getting even larger over Antarctica. Such enlargement had been expected because it will take a while

for corrective actions already taken by many governments to exert their effect. But the report underscored that the battle to save the ozone layer is not yet safely won.

The U.N.'s global warming report, described by William K. Stevens in the Sept. 10 Times, indicates that man-made global warming is a real phenomenon. It can not be dismissed as unproved ''liberal claptrap,'' as Representative Dana Rohrabacher, Republican of California, who heads a house environmental subcommittee, has derisively suggested.

For years now scientists have been arguing over whether the omission of ''greenhouse gases,'' such as carbon dioxide generated by the burning of fossil fuels, has contributed to a small rise in global temperatures over the past century—and whether such emissions will drive temperatures even higher in coming decades.

Such a change in temperature might, if drastic enough, have serious consequences, as is made clear today in a second article by Mr. Stevens. Global warming could cause a rise in sea level that would flood coastal lowlands, an increase in weather extremes and damage to forest and croplands in some regions. Forestalling truly severe damage might will warrant action to slow the emission of greenhouse gases by reducing the world's reliance on fossil fuels. But that would be a wrenching, costly process that few political leaders are eager to undertake absent compelling evidence that human activities really are driving world temperatures toward dangerous levels.

Now the U.N's Intergovernmental Panel on Climate Change, the scientific panel charged with analyzing the problem, has concluded in a draft report that it is seeing signals that man-made global warming is under way. The signals are not in the form of a ''smoking gun.'' Instead, they are found in computer patterns. The computer models that predict rising temperatures seem to be matching up more closely with some of the patterns of climate change actually observed. There are great uncertainties in how much the temperature will rise and how great any damage might be. But the case for being concerned about global warming is getting stronger.

That makes it especially distressing that committees in the House and Senate are slashing funds for programs aimed at protecting the global environment. Steep cuts have been imposed on research to study global climate change, on programs to help reduce carbon emissions and on funds to help developing countries phase out their ozone-destroying chemicals. It is perverse that, as the evidence of global atmospheric harm gets somewhat stronger, the political response to mitigating it gets progressively weaker.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BROWN. Mr. President, I yield myself 10 minutes.

Mr. President, I compliment the distinguished Senator from Ohio for his very thoughtful comments. He has been a very sincere and a tireless advocate of the cause of nonproliferation, and he has made a major contribution not only to the United States effort in that but to the worldwide efforts in that. While we find ourselves on opposite sides of this particular issue, I certainly want to indicate my admiration for his tireless efforts and also my thanks for the contribution he has made to the debate tonight. I think it has been helpful and constructive. I do come to a different conclusion with regard to the amendment, but that does not mean I do not share his strong feelings toward nonproliferation. I do.

The first portion of what has been said that I want to deal with is the very significant question: What is the value, militarily, of the slightly more than one-fourth of the package that would be delivered under this amendment. These are arms negotiated for in 1986 and 1987 and 1988. These are arms that have aged somewhat, that are somewhat out of date. But I thought that was a valid question and an important one for our deliberations.

We held a series of hearings on this whole matter, including one directed specifically to that particular question; that is: How significant are these weapons? What kind of problems would they create? How significant are they in military terms?

I want to deal with the specifics of the answers but let me just summarize. The experts that we called in were both Democrat and Republican, they were both military personnel and personnel from academia. They were both people who had worked with India—we had the former Ambassador to India as well as other experts on India, consultants who work with India all the time—and there were experts who had worked in Pakistan. So we had a broad range of people, backgrounds, and issues. We asked all of them the same question: What is the effect on the balance of power in the area?

They said this. First, that India maintains the balance of power and that it is militarily overwhelming, roughly a ratio of 2 to 1, depending on the category of weapons system. In some areas the ratio is even more than 2 to 1. Certainly in population it is much more than that. In overall resources it is more than that.

Second, these experts said it would not affect the balance of power at all.

Third, they said the weapons themselves are not terribly significant.

I have summarized what they said. I want the RECORD to reflect precisely what they said. But the military significance of the items that would be transferred to Pakistan is a valid question. I think the Senator is right to raise it. I wanted the Senator and other Members of this Chamber to know I was concerned about it, that we called a hearing on it, that we got testimony from all the experts including the administration, all of which agreed stated that the equipment to be transferred would have little military significance.

I will just give a quick sampling of the testimony taken because it lends important background as Members consider this particular question. How significant are these arms that will be delivered under this amendment? Here is what Stephen Cohen, Director of Program in Arms Control, Disarmament and International Security at the University of Illinois, said:

> In terms of the regional military balance, I don't think that the release of this military . . . equipment really will have no significant impact on the balance one way or another.

Those remarks, sentiments, were echoed by George Tanham. He was the Vice President of the Rand Corp. I believe he is retired at this point, but nevertheless is an important expert in this area.

I agree with Steve that the package won't change the balance at all. In fact, there is no balance now. India dominates so strongly. They have twice as large an army as Pakistan, twice as large an air force, twice as large a navy, twice as many tanks, twice as many airplanes. So there isn't a balance at the moment. India has overwhelming strength.

This one is from Michael Krepon. He is the president of the Henry Stimson Center.

> Conventional arms transfers like those under consideration by the Congress have not in the past been sources of instability or arms racing in the region.

This next one is by the Honorable William Clark, Jr. He was the U.S. Ambassador to India during the period of 1989 to 1992.

> We have got F–16's that have been sitting in the desert and being maintained. The P–3 and the Harpoon, three of them are marginally useful, if at all, and they have been already. The requirement has been met in other ways. From the politics of it, it is terribly important. The military utility of it, they would rather buy more modern equipment with the money.

What he is suggesting there is that if the Pakistanis had the choice, they probably could get better quality weapons if we returned their money than if we delivered the weapons. That is particularly important if, indeed, the amendment proposed by the Senator from California is offered with an alternative to return the money.

This is from James Clad, professor at Georgetown University.

> The offer for Pakistan is exactly as Dr. Tanham pointed out an equalizing hand in trying to somehow correct the subcontinental mismatch of conventional weaponry capability and geographical reality. I think another turn on a dime on this issue is going to I think do further damage to the American diplomacy.

Professor Clad's ''other turn'' was reversing the President's compromise reached after negotiations with the Pakistan government, which, of course, is the amendment we have offered. If we turn down the President after he has negotiated a settlement, after he has taken the lead and gotten an agreeable settlement in this very sore situation, we not only discredit the President but we undercut his ability to negotiate for us in the future. Those are my words, not Professor Clad's, but I think the point that he makes is very accurate.

The last one is from Bruce Fein. He is a constitutional and international law specialist and also a syndicated columnist.

> It is true that they—

Referring to India—

are searching at present for substantial additional arms purchases, hundreds of millions, that I think would dwarf anything that would follow any relaxation of the Pressler amendment: very high technology MiG aircraft.

I might say, Mr. President, that nothing compares in this package to anything that India is currently shopping for, has the money to buy and apparently will buy at some point.

Mr. President, those comments deal as seriously as I know how to deal with the question of how significant the equipment that is transferred will be. The experts tell us it is not significant and, indeed, that is what the administration tells me.

Now, that was not HANK BROWN talking. Those statements were given by experts in the field in a public hearing subject to the scrutiny and review of the media and other experts. It is important because I must tell you my own view is I do not want to get involved in arms sales to the subcontinent that will create an escalating arms race or that change in the balance in favor of one side or the other. I want the United States to be friends with both countries. We have a great future of trade, investment and mutual development with both India and Pakistan.

Ultimately, the people who have tried to exploit the difference between those two countries will be viewed with hostility by both nations as well. Ultimately, both of these neighbors will face common challenges. They must be friends and must work together. The American sense that we do not want to get in between the two is the right sense. That is why it is so important to clear up this contractual dispute after 9 years and get it out of our way. The administration is right when they say it is not their intention to get involved in future arms sales.

That deals with the question of how significant the one-fourth of the package that is being delivered is. A second area that I thought maybe was worthwhile: Much has been made by my distinguished friends about the fact that Pakistan did not reveal the full extent of what they were doing with nuclear material or other areas.

What perhaps was not said is what India said about their nuclear program. We are not dealing with a nation in isolation. Pakistan's neighbor, which is geographically far bigger, has a much greater population and a military that is twice its size, also has nuclear weapons. But all that has been criticized here tonight are the statements and denials of Pakistan. Nothing has been said about the statements of India.

Now, it is in our interest as a country to run down either country, but it is unfair to turn a blind eye to what goes on in that subcontinent. If we are to be concerned about one country, we must be concerned about the other. The reality is that between the two countries, India and Pakistan, our legal restrictions apply to Pakistan but exempt India.

Is this an inconsistent policy? Mr. President, I believe it is. The waivers that were talked about earlier simply relate to Pakistan because the restrictions apply to Pakistan. The fact is this: If we are concerned about nuclear weapons, we ought to be concerned about both India and Pakistan and our laws ought to apply equally to both countries.

Mr. President, they do not. If we are concerned about statements countries make about their nuclear weapons program, we ought to be concerned about statements by India as well as by Pakistan. Mr. President, we have not heard that concern about India tonight. We have only heard it about Pakistan.

If Members are concerned about violations of the MTCR—and I am—if they are concerned and want to impose sanctions, they ought to be doing what the law says, which is to impose sanctions not only in the country that buys items that violate the MTCR but also on the country that sells in violation. We have had a lot of people talk about applying penalties against Pakistan under the MTCR. But who has come forward to propose penalties against China? Under MTCR, they are equally at risk if, indeed, the allegations are correct, but the reality is that all we have heard are sanctions against Pakistan and none against China, or at least the Members who have spoken have not talked about China.

Mr. President, I yield myself an additional 10 minutes.

It seems to me, if we are going to be consistent, we ought to apply our concerns about nuclear technology to both India and Pakistan. If we are concerned about nuclear technology, we ought to be willing to apply the laws that restrict its development and spread to both India and Pakistan, not just to one of the two. If we are concerned about missiles and missile technology, we ought to be willing to apply those restrictions to both India and Pakistan. The fact is the MTCR does not apply to missiles that are developed in-country but they do apply to a country that acquires them from outside.

Once again, we have drafted a law that only applies in this case to Pakistan and not to India, at least in relation to the two countries.

Lastly, Mr. President, if we are going to be consistent, we ought to talk about penalties not just for Pakistan if, indeed, they have violated the MTCR, but for China as well. Yet what we have heard tonight are slings and arrows pointed only at Pakistan.

Well, that is perhaps appropriate in some ways. This amendment does deal with Pakistan. It is right for them to bring these issues up. But from my point of view, our level of consistency ought to be higher than that.

Lastly, let me ask Members this: If you were a reporter and you talked to President Truman in 1944 and you said, ''Mr. Truman, tell me whether or not the United States has a nuclear weapon?'' What do you think President Truman would have said? Would he have said, ''Well, it's a top military secret. Its disclosure would harm our national security. But I want to tell you anyway and I'll tell you all about it''?

Does anybody here think President Truman would have said that?

He was not President in 1944; he was Vice President. But at least at that period of time.

But the fact is, President Roosevelt—later President Truman who led us in the later 1940's—did not reveal, to questions, that we had a nuclear weapon. It was a matter of utmost national security.

Should the Pakistanis have revealed their national security secrets to us? Well, maybe they should have. I can understand Members' frustration with that. But I also understand this, India has the nuclear weapons. And they had them first. If anyone is shocked or surprised that Pakistan, who has been involved in three wars with India and lost all three, would think about developing weapons comparable to the country that beat them in three wars, I think they have not studied much of world politics.

Is anyone surprised that Pakistan sought to get missiles, if indeed they have? I suspect they have sought to find missiles. The fact is that India has developed missiles. Is anybody surprised that Pakistan then in turn would try to acquire missiles? I am not surprised. Do we wish this was not going on? Absolutely. But our challenge ought to be to think of ways that we can slow it down or stop it. That involves additional leverage. To ignore the situation, to close off our contacts and our discourse with Pakistan is not the way to solve the problem.

Mr. President, I offer these observations at the same time I want to renew my sense that it is terribly important that we pursue our efforts to slow proliferation or stop it. What is at stake here is solving an old dispute, and what stays in place, what is unharmed or unchanged is the flat prohibition on military aid or sales to Pakistan. That is unchanged. What stays in place is a strong penalty against Pakistan who has been our ally through thick and thin. We keep that in place because we want to keep a lesson out there for the rest of the world that there is a penalty.

But this amendment delivers a small portion of the package of equipment that Pakistan had contracted for 8 or 9 years ago, which they have paid for and which is deemed to be militarily insignificant by the experts, to them. Their money on three-fourths of the package is sent back to them, or at least inasmuch as we can sell those planes for something and send it back. What we do in this package is begin to deal fairly with Pakistan. What we do not do is undercut our efforts at nonproliferation. I believe in the long run we improve those efforts.

Mr. President, I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. Mr. President, as I understood it, we cannot carry this time over until tomorrow. The time has to be used this evening.

We have 1 hour total equally divided. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. GLENN. Mr. President, I would be prepared to yield back the remainder of my time, if the Senator from Colorado is prepared to do the same.

Mr. BROWN. Mr. President, I also would be happy to yield back the remainder of my time for this evening.

Mr. President, at this point I will suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that further proceedings under the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AID TO ISRAEL AND EGYPT

Mr. ABRAHAM. Mr. President, I rise today in support of U.S. aid to our strongest allies in the Middle East: Israel and Egypt.

I believe foreign aid should be dispensed only when and where it is in America's national interest, and H.R. 1868, the foreign operations, export financing and related appropriations bill of 1996, meets those criteria.

H.R. 1868 authorizes $3 billion for Israel, including $1.8 billion in military assistance and $1.2 billion in economic aid; and $2.12 billion for Egypt—$1.3 billion in military aid and $815,000 in economic assistance.

Mr. President I believe support for Israel and Egypt furthers our goal of supporting countries that defend and advance America's interests.

The Middle East is an incredibly volatile region and events that transpire there have major implications for the United States. Both Israel and Egypt help protect our strategic interests in that part of the world and for this reason they deserve our continued support.

Now is not the time to abandon our friends, but rather the time to assist them as they face many of the same challenges we do as we strive to promote stability in the post-cold war world.

The Middle East has witnessed historic changes that seemed unimaginable only 5 years ago: the collapse of the Soviet Union has removed the most powerful supporter of rogue nations in the region; the United States, with Egypt's crucial involvement, led an international coalition in a successful effort during the Persian Gulf War; political and economic relations were established between Israel and Morocco, Tunisia, and many other countries around the world; bilateral negotiations were initiated between Israel and some of her most ardent enemies; an agreement between Israel and the Palestinians was formalized; and a peace treaty between Israel and Jordan was signed.

But despite these developments and achievements, the Middle East is still among the most dangerous regions in the world.

Instability in the Middle East is contrary to our national security interests because it threatens the supply of oil, which could create a crisis the likes of which the people of Western Europe and America have experienced before. It could also threaten our access to the Suez Canal and increase the influence of terrorist regimes.

And this instability could resurface at any time. Parties opposed to the peace process have sought to undermine it. Economic underdevelopment in many countries breeds political instability and even violence.

In order to minimize these dangers while continuing to build on historic accomplishments in the region, United States support for Israel and Egypt is as critical today as ever. Both Israel and Egypt stand firmly with us in countering these threats.

The joint military exercises the United States conducts with Israel promote American goals in the region by solidifying a cooperative strategic plan which can be quickly implemented. Dozens of American weapons systems, including the Patriot missile and the F–15 fighter, have been improved with Israeli technological innovations. The Arrow missile program, which has been a joint American-Israeli project, should some day help America and our allies protect ourselves against ballistic missile attacks. I should also point out that aid to Israel is used primarily to purchase United States-made military equipment.

Similarly, joint United States-Egyptian military exercises have proven fruitful in such coordinated efforts as Desert Shield and Desert Storm. As the United States assists in maintaining the efficiency of the Egyptian armed forces, these forces can continue to protect and enhance our interests in the region. Furthermore, Egypt purchases over 85 percent of its military equipment from the United States, including the M1A1 tanks.

Mr. President, we must authorize these funding levels not only because it makes sense when considering our strategic goals in the Middle East, but also because it is consistent with our objectives in the ongoing peace process.

As the chief sponsor of both past and current peace negotiations, the United States should maintain its leadership role in pursuing peace in the region by continuing its unequivocal support for Israel and Egypt. Peaceful resolutions to Middle East conflicts will promote stability in this important part of the world.

The provisions of this aid package are, in my view, well structured to serve the interests of Americans, Israelis and Egyptians.

Additionally, H.R. 1868 provides funding for the United States to assist the Palestinians in the West Bank and Gaza as they develop their economy and strive to accomplish peace in the region. In my view, the United States should help lead an international community effort to stimulate private investment in Gaza and Jericho, including the continuation of a free-trade agreement and the development of industrial parks. Such initiatives can drive economic growth for the Palestinians. A stronger economy in turn will ultimately help produce peaceful self-rule.

Mr. President, l believe we must continue to assist nations which serve our interests by promoting stability in a volatile region. I am hopeful that ultimately there will be a peaceful resolution to the Arab-Israeli conflict. I urge my colleagues to vote for this legislation, because I believe aid to Israel and Egypt, as well as to the Palestinians, is a small price to help attain paramount international goal of the United States—permanent stability and peace in the Middle East.

I yield the floor.

Mr. GLENN. Mr. President, during the wrapup tonight—I know the procedures for tomorrow will be laid out by my distinguished colleague here. Since the regular floor managers for this bill are not here this evening, I would like to point out that Senator FEINSTEIN had hoped to be able to put her amendment in and have it considered at the end of the hour period and following the vote that will occur on Senator BROWN's amendment.

Although the managers are not here tonight, I hope we can honor that position for her so that the votes on this same subject will occur at about the same time or in sequence tomorrow. I hope that the floor managers tomorrow will look favorably on that, although they are not here to approve that tonight.

I yield the floor.

MORNING BUSINESS

Mr. BROWN. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 4:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1091. An act to improve the National Park System in the Commonwealth of Virginia

H.R. 1296. An act to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 402) to amend the Alaska Native Claims Settlement Act, and for other purposes.

ENROLLED BILL SIGNED

At 6:07 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 402. An act to amend the Alaska Native Claims Settlement Act, and for other purposes.

At 9:46 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1817) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 1976) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1996, and for other purposes, and agrees to the conference asked by Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. SKEEN, Mr. MYERS of Indiana, Mr. WALSH, Mr. DICKEY, Mr. KINGSTON, Mr. RIGGS, Mr. NETHERCUTT, Mr. LIVINGSTON, Mr. DURBIN, Ms. KAPTUR, Mr. THORNTON, Mrs. LOWEY, and Mr. OBEY as the managers of the conference on the part of the House.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1091. An act to improve the National Park System in the Commonwealth of Virginia; to the Committee on Energy and Natural Resources.

H.R. 1296. An act to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, to the Committee on Energy and Natural Resources.

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–1452. A communication from the Assistant Secretary of State for Legislative Affairs, transmitting, pursuant to law, the report on the program recommendations of the Karachi Accountability Review Board; to the Committee on Foreign Relations.

EC–1453. A communication from the Acting Administrator of the Consolidated Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report entitled, ''Farmer Programs Loan Assistance to Socially Disadvantaged Applicants''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1454. A communication from the General Counsel of the Department of the Treasury, transmitting, a draft of proposed legislation to authorize the Secretary of the Treasury to establish a flexible procedure for facilitating timely payment on claims on account of Government checks; to the Committee on Appropriations.

EC–1455. A communication from the Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, the annual report for calendar year 1994; to the Committee on Banking, Housing, and Urban Affairs.

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. FORD:

S. 1262. A bill to provide for the establishment of certain limitations on advertisements relating to, and the sale of, tobacco products, and to provide for the increased enforcement of laws relating to underage tobacco use, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CONRAD (for himself, Mr. PRESSLER, Mr. THURMOND, and Mr. INOUYE]:

S. 1263. A bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of payment under part B of the medicare program relating to anesthesia services furnished by certified registered nurse anesthetists, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE:

S. 1264. A bill to provide for certain benefits of the Missouri River basin Pick-Sloan project to the Crow Creek Sioux Tribe, and for other purposes; to the Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PRESSLER:

S. Res. 175. A resolution expressing the sense of the Senate regarding the recent elections in Hong Kong; to the Committee on Foreign Relations.

By Mr. MURKOWSKI:

S. Con. Res. 27. A concurrent resolution to correct the enrollment of H.R. 422; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FORD:

S. 1262. A bill to provide for the establishment of certain limitations on advertisements relating to, and the sale of, tobacco products, and to provide for the increased enforcement of laws relating to underage tobacco use, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE TOBACCO PRODUCTS CONTROL ACT OF 1995

Mr. FORD. Madam President, I want to talk just a bit about personal freedoms. That notion is so deeply embedded in how Americans define themselves that we fought wars to defend it, marched down every Main Street in America to guard it, and turned politicians out at the polls to protect it.

That dedication to personal freedom was at the very core of how our Founding Fathers defined a nation, and it has endured the test of time.

Thomas Jefferson said that the ultimate powers of society belong to the people themselves. And, when Government is concerned that people might not be knowledgeable enough to exercise their control in a healthy direction, he wrote, ''The remedy is not to take it from them, but to inform.''

He understood that Government has a mission to inform, but not to dictate, because when Government passes over that line of guidance to coercion, every American's guarantee of personal freedom is irrevocably damaged.

I want to say this in the most forceful way possible, Madam President, that no one—no one—supports teen smoking. I am introducing legislation today directed at reducing the number of teenaged smokers in this country. But make no mistake, this legislation is equally driven by the need to prevent Government from regulating the legal choice of adults—of adults—in this country. And it does so by keeping the FDA out of the business of regulating tobacco.

It is no secret, Madam President, that the FDA would like to ban tobacco under the guise of regulating teen tobacco use. And that is why when many people in my State hear the phrase ''Big Brother,'' they see the face of the FDA's David Kessler.

The other day I heard a radio interview of some stock car racing fans. They had some pretty harsh words for Washington and for the proposed regulations that could have a devastating effect on the sport that they enjoy so much. They used words like ''misguided,'' and phrases like ''Big Brother intruding.''

You see, Madam President, they could not understand how the Government could prevent them from buying a T-shirt or a cap with their favorite race driver and sponsor on it. Plenty of those fans are parents who have no desire to see their children smoking cigarettes and who support commonsense efforts to reduce teen smoking. But

something is clearly wrong when a regulation aimed at young people jeopardizes a sport where fewer than 3 percent in attendance are under the age of 18.

We are not just talking about sports fans or patrons of major art shows and performances. We are talking about the truck driver who chooses to wear a Skoal cap. We are talking about adults, whether they work on Wall Street, under the hood of a car, at the bank, or checking groceries, being able to get a pack of cigarettes at a local bar's vending machine, a place where no minor has any business being in the first place.

I am introducing this legislation today because I am fiercely opposed to Government interference into the legal decisions of adults in this country. I believe this is an issue we could have solved and still can without FDA intervention by working with industry and the administration. And in fact, many of the larger companies had already made substantial efforts in that direction. But I believe nothing less than complete prohibition is good enough for the regulators over at the FDA and the antitobacco zealots.

In fact, I am so concerned about the FDA's intentions to limit adults' rights with regard to tobacco that I believe some legislative solution is imperative to prevent further intrusion into the private decisions of adults in this country. That is why my legislation in no uncertain terms removes any FDA involvement in the regulation of tobacco.

But as I said on the day those regulations were announced, no one is here to protect peddling tobacco to minors. No one. And I am here today to follow up with serious, enforceable measures on advertising and access to stop underaged tobacco use.

You also find in this legislation retail and marketing restrictions which we incorporate into substance abuse and Mental Health Services Administration rules and State laws already on the books.

Under my legislation, we ban outdoor advertising of cigarettes and smokeless tobacco products within 500 feet of schools. We ban advertising of cigarettes and smokeless tobacco products in publications with any significant youth subscriptionship. We ban paid tobacco advertisements or props in movies. We ban cigarettes or smokeless tobacco advertising in videos, video game machines or family amusement centers.

We require States to restrict vending machine sales of cigarettes or smokeless tobacco products to supervised locations—bars, private clubs, or places of employment like factories and warehouses. And we require States to limit free sampling of cigarettes and smokeless tobacco products and use of coupons to locations where youth access is denied and where proof-of-age requirements have been met.

Instead of creating a whole new bureaucracy and turning jurisdiction over to the FDA, this legislation maintains the enforcement scheme of current SAMHSA law, extending it to tobacco sales and marketing restrictions and doubling—I underscore doubling—applicable penalties.

These are serious, enforceable measures to combat teenage smoking, but they do not interfere with the legal, private decisions of adults nor do they trample on freedom of speech that the first amendment protects. The same cannot be said for the FDA regulations, which have already sent advertising and tobacco industry lawyers scrambling to the courts setting up lengthy legal challenges where the fight will go on for years and years and years.

I have been told by those familiar with constitutional law that recent appellate court decisions and legal reviews have supported restrictions on the location of advertising but not on the content of the advertising. My bill responds to legal precedent, where FDA regulators have tried to circumvent all legal precedent, attempting to control an advertisement's content affecting not just a teenage publication, but a truck driver's baseball cap or a banker's financial magazine.

Nor does my legislation put an illegal tax on the industry forcing them to use millions and millions of their own dollars to tell the public not to use their product. Can you imagine that? They are going to ask the industry to put up millions to say, ''Stop buying our product.'' Any other industry would go berserk. There is absolutely no other industry in this country that has been ordered—ordered, Madam President—to pay millions to put themselves out of business. Yet the FDA regulations attempt to raise taxes without any act of Congress.

We can address the issues of teen smoking today without new taxes or constitutionally suspect restrictions on advertising rather than waiting years and years and years for the courts to finally settle the matter. When it comes right down to it, whether a teenager gets a pack of cigarettes or not in large part depends on whether an individual store clerk decides to sell it to them. It is already illegal in every State in the this country for that clerk to do so.

But because too many store clerks do not feel pressured to enforce this law, we clearly need to change the current environment and leave no doubt in anyone's mind that it is in their best interest not to sell that pack of cigarettes to a minor. We do that through much tougher penalties and by ensuring that States have the enforcement resources they need to back up these laws.

My legislation also works to reduce the chances that a teenager will ever walk into that store looking to buy a pack of cigarettes in the first place. I think that is what all of us want, from the administration to my tobacco farmers to the American public. The President is clearly committed to making serious inroads on the issue of teenage smoking. And in his press conference before the August recess he stated his backing of the self-supporting tobacco program and of adults' rights to make their own decision with regard to smoking. Unfortunately, overzealous regulators under the direction of David Kessler have done the President and the country a disservice by going way too far beyond simply protecting our young people, and, instead, their regulations infringe on numerous constitutional rights, invade the privacy of average adult Americans, and take the first step on a short road to prohibition.

These overzealous regulators include a clause that essentially gives the FDA total control over tobacco's fate if there is not a 50 percent reduction in teenage tobacco use from 1993 levels—not 1995, but they go back to 1993—within 7 years. In fact, the percentage of teenage tobacco use is already well below the level it was 15 to 20 years ago. While we are willing to discuss additional, reasonable steps, these FDA regulations are nothing more than a guarantee that they are going to be coming back and attempt to expand their jurisdiction even further.

I took the President at his word when he said that he prefers a legislative solution. In this legislation, we have taken one of the toughest State laws on the books regarding advertising, and one of the toughest State laws on the books regarding vending machine sales and samples as the basis for a serious and enforceable national policy on teenage smoking.

The antismoking advocates talk forcefully about the numbers of teenagers who begin smoking every day. In citing those figures these advocates would be nothing short of negligent if they reject my legislation and allow this issue to be delayed indefinitely by a court fight. They will clearly be choosing a delay over compromise, self-promotion over certain progress.

There is no doubt that this legislation is about compromise. But make no mistake, it does not dodge the responsibility of ending teen tobacco use. I think this legislation represents a serious effort at meeting the President's goals on teenage smoking sooner, rather than later. Equally important, by leaving the FDA out of this process, my legislation will not set a course for tobacco that leads to prohibition.

Madam President, I believe this proposal establishes a framework which, taken in its entirety, is as tough as the toughest State laws on teenage tobacco use in existence today.

I challenge critics to show me a better approach—one equally strong and one equally reasonable. They are guided by common sense, both in the removal of the FDA from the process and in the expansion of laws already on the books. You will not find any new taxes or new bureaucracy, just strong, enforceable measures to end teenage

smoking and teenage tobacco use today.

Madam President, I send a copy of my bill to the desk and ask that it be appropriately referred, and I ask unanimous consent that the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be received and appropriately referred.

S. 1262

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tobacco Products Control Act of 1995''.

SEC. 2. AMENDMENT TO FEDERAL CIGARETTE LABELING AND ADVERTISING ACT.

The Federal Cigarette Labeling and Advertising Act is amended by inserting after section 6 (15 U.S.C. sec. 1335) the following new section:

''ADDITIONAL ADVERTISING RESTRICTIONS

''SEC. 7A. (a)(1) It shall be unlawful to advertise cigarettes on any outdoor billboard that is located within 500 feet of any public or private elementary or secondary school.

''(2) Paragraph (1) shall not apply to any advertisement—

''(A) on any outdoor billboard that is located adjacent to an interstate highway that is directed away from, and not visible from, such elementary or secondary schools or school grounds; or

''(B) that is erected or maintained at street level and affixed to business establishments selling tobacco products at retail.

''(b) It shall be unlawful to advertise cigarettes in a newspaper, magazine, periodical or other publication if the subscribers of such publication who are under the age of 18 years constitute more than 15 percent of the total readership of such publication. The Federal Trade Commission shall annually publish a list of the publications that are subject to this subsection.

''(c) No payment shall be made by any cigarette manufacturer or any agent thereof for the placement of any cigarette, cigarette package, or cigarette advertisement as a prop in any motion picture produced for viewing by the general public.

''(d) No cigarette brand name or logo shall be placed in a video or on a video game machine, and no brand name or logo may be placed on or within the premises of family amusement centers.

''(e) As used in this section—

''(1) the term 'family amusement center' means an enterprise offering amusement or entertainment to the public through the use of one or more amusement rides or attractions;

''(2) the term 'amusement ride or attraction' means—

''(A) any mechanized device or combination of devices that carry passengers along, around, or over a fixed or restricted course for the purpose of giving its passengers amusement, pleasure, thrills, or excitement; or

''(B) any building or structure around, over, or through which individuals may walk, climb, slide, jump or move that provides such individuals with amusement, pleasure, thrills, or excitement;

except that such term does not include coin-operated amusement devices that carry no more than 2 individuals, devices regulated by the Federal Aviation Administration, the Federal Railroad Administration (or State railroad administrations), or vessels under the jurisdiction of the Coast Guard (or State division of the water patrol), tractor pulls, auto or motorcycle events, horse shows, rodeos, or other animal shows, games and concessions, nonmechanical playground equipment, or any other devices or structures designated by the Secretary of Health and Human Services; and

''(3) the term 'video game' means any electronic amusement device that utilizes a computer, microprocessor, or similar electronic circuitry and its own cathode ray tube, or is designed to be used with a television set or a monitor, that interacts with the user of the device.''.

SEC. 3. AMENDMENT TO COMPREHENSIVE SMOKELESS TOBACCO HEALTH EDUCATION ACT OF 1986.

The Comprehensive Smokeless Tobacco Health Education Act of 1986 is amended by inserting after section 3 (15 U.S.C. 4402 et seq.) the following new section:

''ADVERTISING RESTRICTIONS

''SEC. 3A. (a) BILLBOARDS.—

''(1) IN GENERAL.—It shall be unlawful to advertise a smokeless tobacco product on any outdoor billboard that is located within 500 feet of any public or private elementary or secondary school.

''(2) EXCEPTION.—Paragraph (1) shall not apply to any advertisement—

''(A) on any outdoor billboard that is located adjacent to an interstate highway that is directed away from, and not visible from, such elementary or secondary schools or school grounds; and

''(B) that is erected or maintained at street level and affixed to business establishments selling tobacco products at retail.

''(b) PERIODICALS.—It shall be unlawful to advertise any smokeless tobacco product in a newspaper, magazine, periodical or other publication if the subscribers of such publication who are under the age of 18 years constitute more than 15 percent of the total readership of such publication. The Federal Trade Commission shall annually publish a list of the publications that are subject to this subsection.

''(c) MOTION PICTURES.—No payment shall be made by any smokeless tobacco manufacturer or any agent thereof for the placement of any smokeless tobacco product, smokeless tobacco package, or smokeless tobacco advertisement as a prop in any motion picture produced for viewing by the general public.

''(d) VIDEO GAMES.—No smokeless tobacco product brand name or logo shall be placed in a video or on a video game machine, and no brand name or logo may be placed on or within the premises of a family amusement center.

''(e) DEFINITIONS.—As used in this section—

''(1) the term 'family amusement center' means an enterprise offering amusement or entertainment to the public through the use of one or more amusement rides or attractions;

''(2) the term 'amusement ride or attraction' means—

''(A) any mechanized device or combination of devices that carry passengers along, around, or over a fixed or restricted course for the purpose of giving its passengers amusement, pleasure, thrills, or excitement; or

''(B) any building or structure around, over, or through which individuals may walk, climb, slide, jump or move that provides such individuals with amusement, pleasure, thrills, or excitement;

except that such term does not include coin-operated amusement devices that carry no more than 2 individuals, devices regulated by the Federal Aviation Administration, the Federal Railroad Administration (or State railroad administrations), or vessels under the jurisdiction of the Coast Guard (or State division of the water patrol), tractor pulls, auto or motorcycle events, horse shows, rodeos, or other animal shows, games and concessions, nonmechanical playground equipment, or any other devices or structures designated by the Secretary of Health and Human Services; and

''(3) the term 'video game' means any electronic amusement device that utilizes a computer, microprocessor, or similar electronic circuitry and its own cathode ray tube, or is designed to be used with a television set or a monitor, that interacts with the user of the device.''.

SEC. 4. AMENDMENT TO PUBLIC HEALTH SERVICE ACT.

Section 1926 of the Public Health Service Act (42 U.S.C. sec. 300x-26) is amended—

(1) in subsection (a)(1), to read as follows:

''(1) IN GENERAL.—Subject to paragraph (2), for fiscal year 1997 and subsequent fiscal years, the Secretary may make a grant under section 1921 only if the State involved has in effect a law providing that—

''(A) it is unlawful for any manufacturer, retailer, or distributor of cigarettes or smokeless tobacco products to sell or distribute any such product to any individual under the age of 18;

''(B) no person, firm, partnership, company, or corporation shall operate a vending machine which dispenses cigarettes or smokeless tobacco products unless such vending machine is in a location that is in plain view and under the direct supervision and control of the individual in charge of the location or his or her designated agent or employee;

''(C) the restrictions described in subparagraph (B) shall not apply in the case of a vending machine that is located—

''(i) at a private club;

''(ii) at a bar or bar area of a food service establishment;

''(iii) at a factory, warehouse, tobacco business, or any other place of employment which has an insignificant portion of its regular workforce comprised of individuals under the age of 18 years and only if such machines are located in an area that is not accessible to the general public; or

''(iv) in such other location or made available in another manner that is expressly permitted under applicable State law; and

''(D) it is unlawful for any person engaged in the selling or distribution of cigarettes or smokeless tobacco products for commercial purposes to distribute without charge any cigarettes or smokeless tobacco products, or to distribute coupons which are redeemable for cigarettes or smokeless tobacco products, except that this subparagraph shall not apply in the case of distribution—

''(i) through coupons contained in publications for which advertising is not restricted under section 7A of the Federal Cigarette Labeling and Advertising Act, coupons obtained through the purchase of cigarettes or smokeless tobacco products, or coupons sent through the mail;

''(ii) where individuals can demonstrate, through a photographic identification card, that the individual is at least 18 years of age;

''(iii) in locations that can be separately segregated to deny access to individuals under the age of 18; or

''(iv) through such other manners or at other locations that are expressly permitted under applicable State law.'';

(2) in subsection (a)(2)—

(A) by striking ''1993'' and inserting ''1997'';

(B) by striking ''1994'' and inserting ''1998''; and

(C) by striking ''1995'' and inserting ''1999'';

(3) in subsection (c)—

(A) in paragraph (1), by striking ''10 percent'' and inserting ''20 percent'';

(B) in paragraph (2), by striking ''20 percent'' and inserting ''40 percent'';

(C) in paragraph (3), by striking ''30 percent'' and inserting ''60 percent''; and

(D) in paragraph (4), by striking ''40 percent'' and inserting ''80 percent'';

(4) in subsection (d)—

(A) in paragraph (1), by striking ''1995'' and inserting ''1999''; and

(B) in paragraph (1), by striking ''1994'' and inserting ''1998''; and

(5) by adding at the end thereof the following new subsections:

''(e) ENFORCEMENT.—Any amounts made available to a State through a grant under section 1921 may be used to enforce the laws described in subsection (a).

''(f) DEFINITIONS.—As used in subsection (a)(1), the term 'private club' means an organization with no more than an insignificant portion of its membership comprised of individuals under the age of 18 years that regularly receives dues or payments from its members for the use of space, facilities and services.''.

SEC. 5. AMENDMENT TO FEDERAL FOOD, DRUG, AND COSMETIC ACT.

Chapter IX of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.) is amended by adding at the end thereof the following new section:

''SEC. 906. PROHIBITION ON REGULATION OF TOBACCO PRODUCTS.

''Nothing in this Act or any other Act shall provide the Food and Drug Administration with any authority to regulate in any manner tobacco or tobacco products.''.

By Mr. CONRAD (for himself, Mr. PRESSLER, Mr. THURMOND, and Mr. INOUYE):

S. 1263. A bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of payment under part B of the Medicare Program relating to anesthesia services furnished by certified registered nurse anesthetists, and for other purposes, to the Committee on Finance.

THE MEDICARE ANESTHESIA SERVICES REFORM ACT

● Mr. CONRAD. Mr. President, today I, along with Senators PRESSLER, THURMOND, and INOUYE, introduce the Medicare Anesthesia Services Reform Act.

Whether the issue is Medicare reform or overall health care reform, our Nation needs to identify and develop efficient, cost-effective methods of delivering health care. But as we seek to cut health care costs, we must be careful to protect the quality of the health care that patients receive. One way to both provide quality care and better utilize our Nation's health care resources is to more appropriately use the services of Certified Registered Nurse Anesthetists—CRNA's.

The Medicare Anesthesia Services Reform Act addresses two important issues affecting the regulation of anesthesia practice as it affects CRNA's. The first defers to State laws in determining whether or not nurse anesthetists must be supervised by a physician. And the second provision provides parity of payment when two anesthesia providers are involved in a single Medicare case. The Act helps CRNA's maximize the use of their skills to provide quality health care to patients.

Nurse anesthetists administer more than 65 percent of the 26 million anesthetics given to patients each year in the United States. They are the sole anesthesia providers in 85 percent of rural hospitals, including all but a handful of counties in North Dakota. CRNA's play an integral role in providing rural medical facilities with obstetrical, surgical, and trauma stabilization capabilities. CRNA's perform the same anesthesia delivery functions as anesthesiologists and work in every setting in which anesthesia is delivered—traditional hospital suites, obstetrical delivery rooms, dentists offices, HMO's ambulatory surgical centers, Veterans Administration facilities, and others.

The first provision in the bill requires the Health Care Financing Administration to defer to State law when determining whether to condition Medicare reimbursement to CRNA's on physician supervision. Medicare's regulations require physician supervision of CRNA's as a condition for hospitals or ambulatory surgical centers to receive Medicare reimbursement, despite many State laws that allow nurse anesthetists to practice without such supervision. In fact, most States do not require physician supervision or direction of nurse anesthetists in the States' nurse practice acts, board of nursing rules and regulations, medical practice acts, or their generic equivalents.

The Federal supervision requirement creates several problems for CRNA's. First, some surgeons have been dissuaded from working with CRNA's, in the face of arguments that the physicians may be subjecting themselves to liability for engaging in supervision. But the truth is, the attending physician is no more legally liable for the CRNA's actions than he or she is for the acts of an anesthesiologist. Second, the Federal restriction is anti-competitive, acting as a disincentive for CRNA's to be utilized. Finally, the restriction creates an inaccurate perception among some surgeons that they have an obligation to direct or control the substantive course of the anesthetic process, even though there is no such obligation.

By eliminating this prescriptive Federal regulation, we can better maximize the use of nurse anesthetists and eliminate the confusion surrounding CRNA supervision. At a time when the Federal Government is deferring to State judgment on a whole host of issues, it seems completely consistent to let States decide how best to use nurse anesthetists, particularly in light of CRNA's long track record of success.

CRNA's have been around for a century. They have been the principal anesthesia providers in combat areas in every war the United States has been engaged in since World War I. CRNA's have received medals and accolades for their dedication, commitment, and competence. And recent studies indicate that better utilization of CRNA's could save the Federal Government as much as $1 billion per year by the year 2010. Clearly, it make sense for the Federal Government to defer to States on an issue that could very well save significant Federal expenses over time.

The second proposal included in the Medicare Anesthesia Services Reform Act applies to fairness in reimbursement to CRNA's and anesthesiologists. Under Medicare's current regulations, if an anesthesiologist and a CRNA work together on one case and Medicare later decides that the use of two anesthesia providers was not medically necessary, neither the hospital nor the CRNA gets paid. Consequently, there is an economic disincentive for hospitals to employ nurse anesthetists, even though they provide such cost effective services.

Obviously, Medicare should not pay for services that are not medically necessary. And our bill would not require Medicare to do so. Rather, it simply requires that anesthesiologists and CRNA's or the hospitals that employ them split the fee equally. If someone works on a Medicare case, he or she should get paid for it.

The problem CRNA's confront is the poor definition of what constitutes ''medical necessity.'' Medical necessity is interpreted on a case-by-case basis, making it easy for Medicare carriers to deny a claim for payment to a CRNA who cannot prove medical necessity. If a claim is denied, then only the anesthesiologist gets paid, even though both the anesthesiologist and the CRNA did the work. That is just not fair.

Last year, I introduced legislation that would have required Medicare to reimburse CRNA's and anesthesiologists based on their contribution to the case. Under that proposal, if a CRNA did more of the work, he or she might get 60 or 70 percent of the payment compared with 30 or 40 percent for the anesthesiologist. If the anesthesiologist did more of the work, he or she would receive a greater percentage of the payment.

Some viewed the provision I proposed last year as too difficult to implement. In addition, during health care reform, I worked with the American Association of Nurse Anesthetists and the American Society of Anesthesiologists to develop a compromise that included the 50–50 split that has been incorporated into this bill. Given the negotiations that occurred last year, I believe it is best to include the 50–50 split provision, rather than the provision that I initially proposed.

Mr. President, this is sensible legislation. It is fair to both CRNA's and anesthesiologists, alike. And it eliminates some significant problems that are creating difficulty for nurse anesthetists and the hospitals that employ them.

Our proposal replaces outdated Medicare regulations and lets hospitals make their individual anesthesia staffing decisions based upon their own needs. It also gives more flexibility to

the States. I hope my colleagues will support it.●

By Mr. DASCHLE:

S. 1264. A bill to provide for certain benefits of the Missouri River basin Pick-Sloan project to the Crow Creek Sioux Tribe, and for other purposes; to the Committee on Indian Affairs.

THE CROW CREEK SIOUX TRIBE INFRASTRUCTURE DEVELOPMENT TRUST FUND ACT OF 1995

Mr. DASCHLE. Mr. President, today I introduce the Crow Creek Sioux Tribe Infrastructure Development Trust Fund Act of 1995. This bill will provide for the development of certain tribal infrastructure projects funded by a trust fund set up for the Crow Creek Tribe within the Department of the Treasury. The trust fund would be capitalized from a percentage of hydropower revenues and would be capped at $27.5 million. The tribe would then receive the interest from the fund to be used according to a development plan prepared in conjunction with the Bureau of Indian Affairs and the Indian Health Service.

The Flood Control Act of 1944 created five massive earthen dams on the Missouri River. This public works project known as the Pick-Sloan Plan provides flood control, irrigation, and hydropower. Four of the Pick-Sloan dams are located in South Dakota.

The impact of the Pick-Sloan plan on the Crow Creek Sioux Tribe has been devastating. The Big Bend and Fort Randall dams created losses to the Crow Creek Tribe for which they have not been adequately compensated. Over 15,000 acres of the tribe's most fertile and productive land, the Missouri River wooded bottom lands, were inundated as a result of the Fort Randall and Big Bend components of the Pick-Sloan project.

By and through the Big Bend Act of 1962, Congress directed the U.S. Army Corps of Engineers and the Department of the Interior to take certain actions to alleviate the problems caused by the dislocation of communities and inundation of tribal resources. These directives were either carried out inadequately or not carried out at all.

Congress established precedent for this legislation in 1992 by the passage of the Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act which I cosponsored. At that time, Congress determined that the U.S. Army Corps of Engineers failed to provide adequate compensation to the tribes when their land was acquired for the Pick-Sloan projects. There is little controversy on finding that the tribes bore an inordinate share of the cost of implementing the Pick-Sloan program. The Secretary of the Interior established the Joint Tribal Advisory Committee to resolve the inequities and find ways to finance the compensation of tribal claims. As a result, the Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act set up a recovery fund financed entirely from a percentage of Pick-Sloan power revenues.

The Crow Creek Sioux Tribe Infrastructure Development Fund Act of 1995 will enable the Crow Creek Tribe to address and improve their infrastructure and will provide the needed resources for further economic development of the Crow Creek Indian Reservation.

This legislation has broad support in South Dakota. Gov. Bill Janklow strongly endorses this proposal to develop the infrastructure at the Crow Creek Indian Reservation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD and a letter from Gov. Bill Janklow.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Crow Creek Sioux Tribe Infrastructure Development Trust Fund Act of 1995''.

SEC. 2. FINDINGS.

(a) FINDINGS.—The Congress finds that—

(1) the Congress approved the Missouri River basin Pick-Sloan project by passing the Act of December 22, 1944, commonly known as the ''Flood Control Act of 1944'' (58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.)—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(2) the Fort Randall and Big Bend projects are major components of the Pick-Sloan project, and contribute to the national economy by generating a substantial amount of hydropower and impounding a substantial quantity of water;

(3) the Fort Randall and Big Bend projects overlie the western boundary of the Crow Creek Indian Reservation, having inundated the fertile, wooded bottom lands of the Tribe along the Missouri River that constituted the most productive agricultural and pastoral lands of the Tribe and the homeland of the members of the Tribe;

(4) Public Law 85–916 (72 Stat. 1766 et seq.) authorized the acquisition of 9,418 acres of Indian land on the Crow Creek Indian Reservation for the Fort Randall project and Public Law 87–735 (76 Stat. 704 et seq.) authorized the acquisition of 6,179 acres of Indian land on Crow Creek for the Big Bend project;

(5) Public Law 87–735 (76 Stat. 704 et seq.) provided for the mitigation of the effects of the Fort Randall and Big Bend projects on the Crow Creek Indian Reservation, by directing the Secretary of the Army to—

(A) replace, relocate, or reconstruct—

(i) any existing essential governmental and agency facilities on the reservation, including schools, hospitals, offices of the Public Health Service and the Bureau of Indian Affairs, service buildings, and employee quarters; and

(ii) roads, bridges, and incidental matters or facilities in connection with such facilities;

(B) provide for a townsite adequate for 50 homes, including streets and utilities (including water, sewage, and electricity), taking into account the reasonable future growth of the townsite; and

(C) provide for a community center containing space and facilities for community gatherings, tribal offices, tribal council chamber, offices of the Bureau of Indian Affairs, offices and quarters of the Public Health Service, and a combination gymnasium and auditorium;

(6) the Secretary of the Army and the Secretary of the Interior have failed to meet the requirements under Public Law 87–735 (76 Stat. 704 et seq.) with respect to the mitigation of the effects of the Fort Randall and Big Bend projects on the Crow Creek Indian Reservation;

(7) although the national economy has benefited from the Fort Randall and Big Bend projects, the economy on the Crow Creek Indian Reservation remains underdeveloped, in part as a consequence of the failure of the Federal Government to fulfill the obligations of the Federal Government under the laws referred to in paragraph (4);

(8) the economic and social development and cultural preservation of the Crow Creek Sioux Tribe will be enhanced by increased tribal participation in the benefits of the Fort Randall and Big Bend components of the Pick-Sloan project; and

(9) the Crow Creek Sioux Tribe is entitled to additional benefits of the Missouri River basin Pick-Sloan project, including hydropower revenues and infrastructure development.

SEC. 3. DEFINITIONS.

For the purposes of this Act, unless the context implies otherwise, the following definitions shall apply:

(1) FUND.—The term ''Fund'' means the Crow Creek Sioux Tribe Infrastructure Development Trust Fund established under section 4(a).

(2) PLAN.—The term ''plan'' means the plan for socioeconomic recovery and cultural preservation prepared under section 5.

(3) PROGRAMS.—The term ''Programs'' means the integrated programs of the Eastern Division of the Missouri River basin Pick-Sloan program, administered by the Western Area Power Administration, as determined by the Secretary.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) TRIBE.—The term ''Tribe'' means the Crow Creek Sioux Tribe.

SEC. 4. ESTABLISHMENT OF CROW CREEK SIOUX TRIBE INFRASTRUCTURE DEVELOPMENT TRUST FUND.

(a) CROW CREEK SIOUX TRIBE INFRASTRUCTURE DEVELOPMENT TRUST FUND.—There is established in the Treasury of the United States a fund to be known as the ''Crow Creek Sioux Tribe Infrastructure Development Trust Fund''.

(b) FUNDING.—Beginning with fiscal year 1997, and for each fiscal year thereafter, until such time as the aggregate of the amounts deposited in the Fund is equal to $27,500,000, the Secretary of the Treasury shall deposit into the Fund an amount equal to 25 percent of the receipts from the deposits to the Treasury of the United States for the preceding fiscal year from the Programs.

(c) INVESTMENTS.—The Secretary of the Treasury shall invest the amounts deposited under subsection (b) only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(d) PAYMENT OF INTEREST TO TRIBE.—

(1) ESTABLISHMENT OF ACCOUNT AND TRANSFER OF INTEREST.—The Secretary of the Treasury shall, in accordance with this subsection, transfer any interest that accrues on amounts deposited under subsection (b) into a separate account established by the Secretary of the Treasury in the Treasury of the United States.

(2) PAYMENTS.—

(A) IN GENERAL.—Beginning with the fiscal year immediately following the fiscal year

during which the aggregate of the amounts deposited in the Fund is equal to the amount specified in subsection (b)(2), and for each fiscal year thereafter, all amounts transferred under paragraph (1) shall be available, without fiscal year limitation, to the Secretary of the Interior for use in accordance with subparagraph (C).

(B) WITHDRAWAL AND TRANSFER OF FUNDS.—For each fiscal year specified in subparagraph (A), the Secretary of the Treasury shall withdraw amounts from the account established under such paragraph and transfer such amounts to the Secretary of the Interior for use in accordance with subparagraph (C). The Secretary of the Treasury may only withdraw funds from the account for the purpose specified in this paragraph.

(C) PAYMENTS TO TRIBE.—The Secretary of the Interior shall use the amounts transferred to the Secretary under subparagraph (B) only for the purpose of making payments to the Tribe.

(D) USE OF PAYMENTS BY TRIBE.—The Tribe shall use the payments made under subparagraph (C) only for carrying out projects and programs pursuant to the plan prepared under section 5.

(3) PROHIBITION ON PER CAPITA PAYMENTS.—No portion of any payment made under this subsection may be distributed to any member of the Tribe on a per capita basis.

(e) TRANSFERS AND WITHDRAWALS.—

(1) AMOUNTS DEPOSITED IN THE FUND.—Except as provided in subsection (d)(1), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

(2) AMOUNTS TRANSFERRED TO ACCOUNT.—Except as provided in subsection (d)(2), the Secretary of the Treasury may not transfer or withdraw any amounts transferred to the account established under subsection (d)(1).

SEC. 5. PLAN FOR SOCIOECONOMIC RECOVERY AND CULTURAL PRESERVATION.

(a) PLAN.—

(1) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Indian Affairs, in cooperation with the Secretary of Health and Human Services, acting through the Indian Health Service, and the Crow Creek Tribal Council, shall prepare a plan for the use of payments made to the Tribe under section 4(d)(2).

(2) REQUIREMENTS FOR PLAN COMPONENTS.—The plan shall, with respect to each component of the plan—

(A) identify the costs and benefits of that component; and

(B) provide plans for that component.

(3) APPROVAL OF CROW CREEK TRIBAL COUNCIL.—The plan shall be subject to the approval of the Crow Creek Tribal Council.

(4) SUBMITTAL TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit the plan to Congress.

(b) CONTENT OF PLAN.—The plan shall include the following programs and components:

(1) EDUCATIONAL FACILITY.—The plan shall provide for an educational facility to be located on the Crow Creek Indian Reservation.

(2) COMPREHENSIVE INPATIENT AND OUTPATIENT HEALTH CARE FACILITY.—The plan shall provide for a comprehensive inpatient and outpatient health care facility to provide essential services that the Secretary, in consultation with the individuals and entities referred to in subsection (a)(1), determines to be—

(A) needed; and

(B) unavailable through existing facilities of the Indian Health Service on the Crow Creek Indian Reservation at the time of the determination.

(3) WATER SYSTEM.—The plan shall provide for the construction, operation, and maintenance of a municipal, rural, and industrial water system for the Crow Creek Indian Reservation.

(4) IRRIGATION FACILITIES.—The plan shall provide for irrigation facilities for not less than 1,792 acres.

(5) RECREATIONAL FACILITIES.—The plan shall provide for recreational facilities suitable for high-density recreation at Lake Sharpe at Big Bend Dam in South Dakota.

(6) OTHER PROJECTS AND PROGRAMS.—The plan shall provide for such other projects and programs for the educational, social welfare, economic development, and cultural preservation of the Tribe as the Secretary, in consultation with the individuals and entities referred to in subsection (a)(1), considers to be appropriate.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such funds as may be necessary to carry out this Act, including such funds as may be necessary to cover the administrative expenses of the Crow Creek Sioux Tribe Infrastructure Development Trust Fund established under section 4.

SEC. 7. EFFECT OF PAYMENTS TO TRIBE.

(a) IN GENERAL.—No payment made to the Tribe pursuant to this Act shall result in the reduction or denial of any service or program to which, pursuant Federal law—

(1) the Tribe is otherwise entitled because of the status of the Tribe as a federally recognized Indian tribe; or

(2) any individual who is a member of the Tribe is entitled because of the status of the individual as a member of the Tribe.

(b) EXEMPTIONS; STATUTORY CONSTRUCTION.—

(1) POWER RATES.—No payment made pursuant to this Act shall affect Missouri River basin Pick-Sloan power rates.

(2) STATUTORY CONSTRUCTION.—Nothing in this Act may be construed as diminishing or affecting—

(A) any right of the Tribe that is not otherwise addressed in this Act; or

(B) any treaty obligation of the United States.

STATE OF SOUTH DAKOTA,
EXECUTIVE OFFICE, STATE CAPITOL,
Pierre, SD, June 22, 1995.

Hon. DUANE BIG EAGLE,
Chairman of the Crow Creek Sioux Tribe,
Fort Thompson, SD.

DEAR CHAIRMAN BIG EAGLE: Thank you for giving me a copy of the proposed federal legislation that requires the federal government to fulfill the commitments made to the Crow Creek Sioux Tribe in the Big Bend Act of 1962.

I wholeheartedly support this legislation and your efforts to develop Fort Thompson with the infrastructure and community facilities that the Crow Creek community should have received long ago. The method for funding in the bill is fair and I hope a majority of both houses of Congress and the President will realize the importance of passing this bill and signing it into law.

In several different ways, all of the various groups of people who live in South Dakota have not received the benefits promised when the great dams were built in the 1950s. The persistence of the members of the Crow Creek Sioux Tribe to right this wrong is worthy of high praise. Congratulations on creating an excellent proposal.

If there is anything I can do to help you, please let me know.

Sincerely,

WILLIAM J. JANKLOW.

ADDITIONAL COSPONSORS

S. 298

At the request of Mr. DOMENICI, the names of the Senator from Oregon [Mr. HATFIELD], the Senator from Wyoming [Mr. SIMPSON], the Senator from Arkansas [Mr. BUMPERS], the Senator from Illinois [Mr. SIMON], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 298, a bill to establish a comprehensive policy with respect to the provision of health care coverage and services to individuals with severe mental illnesses, and for other purposes.

S. 684

At the request of Mr. HATFIELD, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 684, A bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 770

At the request of Mr. DOLE, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 770, a bill to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.

S. 771

At the request of Mr. PRYOR, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 771, a bill to provide that certain Federal property shall be made available to States for State use before being made available to other entities, and for other purposes.

S. 851

At the request of Mr. DORGAN, his name was withdrawn as a cosponsor of S. 851, a bill to amend the Federal Water Pollution Control Act to reform the wetlands regulatory program, and for other purposes.

S. 942

At the request of Mr. BOND, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 942, a bill to promote increased understanding of Federal regulations and increased voluntary compliance with such regulations by small entities, to provide for the designation of regional ombudsmen and oversight boards to monitor the enforcement practices of certain Federal agencies with respect to small business concerns, to provide relief from excessive and arbitary regulatory enforcement actions against small entities, and for other purposes.

S. 1086

At the request of Mr. DOLE, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 1086, a bill to amend the Internal Revenue Code of 1986 to allow a family-owned business exclusion from the gross estate subject to estate tax, and for other purposes.

S. 1108

At the request of Mr. SMITH, the names of the Senator from Idaho [Mr. CRAIG] and the Senator from Arizona

[Mr. MCCAIN] were added as cosponsors of S. 1108, a bill to amend the Internal Revenue Code of 1986 to allow individuals to designate that up to 10 percent of their income tax liability be used to reduce the national debt, and to require spending reductions equal to the amounts so designated.

S. 1219

At the request of Mr. FEINGOLD, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1219, a bill to reform the financing of Federal elections, and for other purposes.

S. 1220

At the request of Mrs. BOXER, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 1220, a bill to provide that Members of Congress shall not be paid during Federal Government shutdowns.

S. 1246

At the request of Mr. WARNER, the names of the Senator from Vermont [Mr. JEFFORDS] and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of S. 1246, a bill to amend titles 5 and 37, United States Code, to provide for the continuance of pay and the authority to make certain expenditures and obligations during lapses in appropriations.

SENATE RESOLUTION 147

At the request of Mr. BRADLEY, his name was added as a cosponsor of Senate Resolution 147, a resolution designating the weeks beginning September 24, 1995, and September 22, 1996, as ''National Historically Black Colleges and Universities Week,'' and for other purposes.

AMENDMENT NO. 2699

At the request of Mr. BUMPERS, the names of the Senator from Vermont [Mr. LEAHY] and the Senator from Wisconsin [Mr. KOHL) were added as cosponsors of Amendment No. 2699 proposed to H.R. 1976, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1996, and for other purposes.

SENATE CONCURRENT RESOLUTION 27—CORRECTING THE ENROLLING OF H.R. 402

Mr. MURKOWSKI submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 27

Resolved by the Senate (the House of Representatives concurring)

The Clerk of the House is directed to correct the enrollment of H.R. 402 as follows:

Amended section 109 to read:

''SEC. 109. CONFIRMATION OF WOODY ISLAND AS ELIGIBLE NATIVE VILLAGE.

The Native Village of Woody Island, located on Woody Island, Alaska, in the Koniag Region, is hereby confirmed as an eligible Alaska Native Village, pursuant to Section 11(b)(3) of the Alaska Native Claims Settlement Act (''ANCSA''). It is further confirmed that Leisnoi, Inc., is the Village Corporation, as that term is defined in Section 3(j) of ANCSA, for the village of Woody Island. This section shall become effective on October 1, 1998, unless the United States judicial system determines this village was fraudulently established under ANCSA prior to October 1, 1998.''

SENATE RESOLUTION 175—RELATIVE TO THE RECENT ELECTIONS IN HONG KONG

Mr. PRESSLER submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 175

Whereas the right to a fully elected legislature in Hong Kong is guaranteed by the 1984 Sino-British Joint Declaration on the Question of Hong Kong;

Whereas on September 17, 1995, the people of Hong Kong demonstrated their commitment to democracy by freely expressing their right to vote in the Legislative Council elections; and

Whereas the voters of Hong Kong have overwhelmingly expressed their desire for the establishment of a fully democratic government: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the people of Hong Kong are to be congratulated for exercising their right to vote on September 17, 1995;

(2) the People's Republic of China should respect the clear will of the people of Hong Kong to have a fully democratic government; and

(3) the Chinese government should enter into a dialogue with the democratically elected representatives of the Hong Kong people.

Mr. PRESSLER. Mr. President, when Mr. Christopher Patten became Governor of Hong Kong 3 years ago, he made a very important decision. He decided to allow the people of Hong Kong the opportunity to express their preference on a simple issue: Democracy—yes or no?

As the New York Times editorial today notes, ''Hong Kong's voters declared overwhelmingly on Sunday their preference for democracy and their doubts about Beijing's plans for the colony's future.'' Final returns from Sunday's vote show the Democratic Party led by Mr. Martin Lee won the largest number of seats, 19, in the 60 seat legislative council. Other prodemocracy allies will give Mr. Lee a working majority of 31.

By contrast, pro-Beijing candidates of the Democratic Alliance for the Betterment of Hong Kong won only six seats and the party's top three officials were all defeated. Regrettably, spokesmen for Beijing have not learned to lose gracefully and have resorted to threats and intimidation.

Again Governor Patten has proved to be the best analyst: ''Everybody has to recognize that Hong Kong has expressed its views about the present and the future with great clarity.''

Mr. President, I am submitting a resolution expressing the sense of the Congress regarding the recent elections in Hong Kong. The resolution congratulates the people of Hong Kong for exercising their right to vote, calls on China to respect the clear will of the people of Hong Kong to have a fully democratic government, and calls on China to enter into a dialogue with the democratically elected representatives of the Hong Kong people.

Mr. President, I ask unanimous consent that number of articles and editorials from the Washington Post, the New York Times, and the Wall Street Journal be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 19, 1995]

REBUFF OF CHINA PROVES SWEEPING—PRO-DEMOCRATIC BLOC IN HONG KONG LEGISLATURE COULD HOLD MAJORITY ON KEY ISSUES

(By Keith B. Richburg)

HONG KONG, Sept. 18.—China and Hong Kong today seemed set for a prolonged period of confrontation after residents here gave a substantial vote of no-confidence to Beijing's preferred legislative candidates, instead of choosing independent-minded lawmakers who are already promising to shout about human rights, free speech and the rule of law as Chinese rule approaches.

Final returns from Sunday's vote showed the Democratic Party, led by lawyer Martin Lee, will be the largest single party in the new legislature, with 19 of 60 seats. Counting other like-minded parties and independents, advocates of democracy who favor standing up to China will form a bloc of at least 27.

Published analyses indicated that on issues involving relations with China, the pro-democratic vote would be a majority of 31. The one clearly pro-China party won six seats.

In a victory press conference today, an elated Lee promised to continue the same kind of tough rhetoric that already has made him China's nemesis in the colony. Lee said the elections proved that Hong Kong people ''want legislators who will stand up for them'' to protect the territory's freedoms in the coming battles with China's Communist leadership.

Lee said the democracy bloc of the new legislature will use the remaining 21 months of British rule to try to strengthen laws protecting press freedom and free speech, to enact a freedom of information ordinance, and to try again to change a Sino-British agreement for a new supreme court to guarantee that future judges can act with greater independence.

Lee's statements are the sort that most unnerve mainland China, and make it more likely now, in the view of some analysts, that Beijing will take an even tougher stance toward Hong Kong, keeping its vow to jettison the local legislature and possibly even doing away with direct elections entirely after reversion in July 1997.

Pro-China politicians and official Chinese statements from Beijing tried to put the best face on the election results. The leader of the main pro-China party, the Democratic Alliance for the Betterment of Hong Kong (known as DAB), Tsang Yok-sing, explained the loss to reporters by saying the Democrats fielded far more incumbents and had more experience campaigning and organization.

A statement from the official New China News Agency said the elections ''showed that hope for a smooth transition and love of the motherland and Hong Kong remain the main trend in Hong Kong.'' But the agency quoted an official in Beijing of the Hong Kong and Macau Affairs Office as repeating China's vow to dismantle the legislature and replace it with a provisional body whose deputies would be picked by China.

''Beijing will feel more insecure and more suspicious toward Hong Kong,'' said Joseph Cheng, a political science professor at the City University here. It's likely to result in ''a tougher line.''

''It seems the Hong Kong people want candidates who dare to criticize China, to provide some checks and balances, or at least to articulate their grievances,'' he said.

But Cheng said that under the existing colonial system, with most power still resting with the British governor, the new lawmakers may find themselves frustrated over the next 21 months. The legislature may not introduce any bills that would increase government spending, and the governor can ignore the legislature whenever he chooses.

Most analysts said the dismal performance of the main pro-China party suggested a new era of confrontation. Had more of its candidates won seats, the theory goes, China might have felt more comfortable about the idea of direct elections in Hong Kong and less inclined to abolish the legislature when it takes over.

But many of the candidates openly aligned with China were decisively beaten by the democracy advocates. The main pro-China party could manage no more than six seats.

Moreover, the pro-China party's three senior officers—the chairman, the vice chairman and the secretary general—all were crushed. The pro-China candidates together received about 30 percent of the popular vote, compared to more than 60 percent for the Democratic Party politicians.

In other results, the pro-business Liberal Party, which in pursuing commercial interests is likely to vote with them in mind, won 10 seats. The remaining 17 seats also represent interests that might shift according to the issue.

Analysts said the loss of so many pro-China politicians, considered relative moderates, means a likely dominance now of more hard-line Communist voices in Hong Kong's pro-Beijing United Front. The front as a whole took no part in the election, even as the DAB—a part of the front—went its own way on this matter and did so. This could presage a further heightening of the rhetoric and increasing polarization of the political dialogue, these analysts said.

The result also means the political situation is likely to become more confusing in the waning months of British colonial rule. Christopher Patten, the British governor and the man who engineered the changes that made the elections possible, is to remain until the end of June 1997. But the new legislature he helped create can claim it has the legitimacy of the people, since unlike the governor, all 60 members were elected, directly or indirectly.

China has said it will unveil its own ''provisional legislature'' next year, and although technically it will have no power until the turnover in 1997, it is foreseen as a ''shadow legislature'' competing with the elected one for influence. And China is also expected to name the team that will run the government in Hong Kong after July 1997, meaning there will also be a shadow executive and cabinet waiting in the wings.

[From the New York Times, Sept. 19, 1995]

CHINA AND HONG KONG VICTORS SQUARE OFF AFTER THE ELECTION

(By Edward A. Gargan)

HONG KONG, September 18.—As jubilant members of Hong Kong's Democratic Party celebrated their sweeping defeat of pro-China parties in legislative elections on Sunday, Beijing renewed its promise that the legislature would be disbanded on July 1, 1997, the day the territory is scheduled to revert to Chinese rule.

''The last legislature of the British administration in Hong Kong will end on June 30, 1997,'' a spokesman for China's Hong Kong and Macao Affairs Office was quoted as saying today by the New China News Agency. ''The attitude of the Chinese Government on this issue is consistent and will not change and will not be influenced by the result of the election.''

But members of the Democratic Party, founded in the wake of the 1989 Tiananmen massacre to challenge China's plans for controlling Hong Kong and regarded by Beijing as a subversive organization, refused to accept what appears to be the inevitable demise of their careers as lawmakers.

''This election makes clear the will of Hong Kong,'' said Martin C.M. Lee, the party's chairman who decisively regained his seat in the Legislative Council. ''This election is a referendum on the aspirations of the people of Hong Kong.''

''Hong Kong people voted with their hearts and their minds for freedom and genuine democracy,'' he said. ''The elections, in short, are a mandate for democratic government in Hong Kong and real constitutional, legal and human rights reform to ensure basic freedoms in Hong Kong after 1997.''

Sunday's elections for the 60-seat Legislative Council, the last under more than a century of British rule, marked the first time that all seats were elected, whether directly or indirectly.

The Democrats took 12 of the 20 directly elected seats, and secured another 7 indirectly elected seats. Another 10 to 12 successful candidates who ran as independents or from smaller parties are regarded as allied to the Democrats, potentially giving the pro-democracy bloc a majority in the new legislature.

Most surprising, commentators said, was the defeat of the pro-China Democratic Alliance for the Betterment of Hong Kong. The party's top three officials were defeated and the party managed to secure only six seats, all but two from indirectly elected constituencies.

''From the Hong Kong people's point of view, the message is quite clear,'' said Joseph Cheng, a professor at City University of Hong Kong's Contemporary China Research Center. ''The Hong Kong people always want a spokesman who can criticize China and who can provide checks and balances.''

In their monthlong campaign, the pro-China candidates hammered the theme of their close relationship with the Chinese Government, cautioning Hong Kong voters that their interests would be best served by electing legislators who could communicate well with Beijing. Many Democratic candidates described that campaign as little short of blackmail, a suggestion that seemed to be borne out today in bitter comments by Gary Cheng Kai-nam, the No. 2 official in the pro-China party.

''The Hong Kong people will have to pay for it,'' he said, referring to the strong showing by the Democratic Party. ''We warned that it would be better to see different voices.''

Chinese companies, newspapers and the Chinese Government's official presence here, the Hong Kong office of the New China News Agency, were active throughout the campaign in support of the Alliance. Employees in Chinese companies were aggressively lobbied, left-wing unions rallied members to volunteer for Alliance campaigns and the pro-China newspapers daily assailed the Democrats for anti-China attitudes.

But the poor showing by pro-China candidates has created, in many people's views, new problems for China, one put bluntly by Gov. Christopher Patten, the architect of the elections.

''Everybody has to recognize the results,'' Mr. Patten said at a news conference today. ''Everybody has to recognize that Hong Kong has expressed its views about the present and the future with great clarity.''

Today, in one of his most forceful comments, Mr. Patten challenged China today to show how the elections violated either agreements reached with Britain or the territory's constitution, the Basic Law.

[From the New York Times, Sept. 19, 1995]

HONG KONG VOTES FOR DEMOCRACY

Hong Kong's voters declared overwhelmingly on Sunday their preference for democracy and their doubts about Beijing's plans for the colony's future. Pro-China candidates lost consistently to members of the Democratic Party, which favors autonomy for Hong Kong after the planned takeover by China in 1997.

Ominously, China quickly threatened to dissolve the newly-elected Legislative Council. Perhaps even more ominously, Gary Cheng Kai-nam, an official of the pro-Chinese Democratic Alliance for the Betterment of Hong Kong, said the colony's six million people would ''have to pay for'' their choice. It is not in the interest of either Hong Kong or China for Beijing to crush Hong Kong's vibrant economy and developing democracy in 1997.

Britain is to hand Hong Kong over to Beijing's control when the 99-year lease on the colony expires. The agreement governing the terms of the handover was signed in 1984, at a time when China seemed to be liberalizing both its economic and political systems. Hong Kong's political structure then was not strictly democratic, and the prospects for finding a workable accommodation between the two systems seemed difficult but not impossible.

But since the Chinese crackdown on democracy demonstrations in Tiananmen Square in 1989, the match has seemed increasingly awkward. Hong Kong residents showed their revulsion for Beijing's brutality in a one-million-strong demonstration after the tanks rolled through Tiananmen Square. Since then Christopher Patten, Britain's last Hong Kong Governor, has sought to encourage and strengthen democratic institutions. Sunday's balloting was his latest move to cross the Chinese.

If China takes a heavy-handed approach and eliminates the new political institutions that Hong Kong's people clearly want, it risks undermining the business confidence that makes the territory such a valuable asset. Political turmoil is the enemy of a flourishing economy.

Beijing needs to take a longer view. If it wishes to preserve Hong Kong's unique role as a regional financial hub, it must find ways to accommodate its lively, individualistic culture, flavored by its long-term and intimate relationship with Western capitalism. Hong Kong's people, many of them refugees from the mainland, will not be easily silenced.

[From the Wall Street Journal, Sept. 19, 1996]

HONG KONG VOTERS HAND SETBACK TO CANDIDATES BACKED BY BEIJING

(By Peter Stein)

HONG KONG.—Voters here signaled their willingness to stand up to China by giving pro-democracy candidates to the territory's Legislature a landslide victory over their China-backed opponents.

The magnitude of their triumph in the last Hong Kong elections to be held before the British colony reverts to Chinese sovereignty in mid-1997 seemed to take even the

pro-democracy camp by surprise. Led by Chairman Martin Lee, the Democratic Party won 19 out of the 25 seats they contested, while allies of the Democrats secured eight more seats in the 60-seat Legislative Council. Before the vote, campaign staff had privately anticipated the party winning about 15 seats.

China-backed candidates fared worse than expected. The pro-China Democratic Alliance for the Betterment of Hong Kong won six seats. But the party's top leadership, including Chairman Tsang Yok Sing, a Marxist schoolteacher, were defeated by pro-democratic candidates.

Sunday's vote, Hong Kong's broadest exercise in democracy, represented the culmination of political reforms first introduced by Gov. Chris Pattern three years ago. Riled by those reforms, China has already vowed to dissolve Hong Kong's Legislature when it takes control of the territory July 1, 1997.

For Hong Kong's pro-democracy camp, which also swept the 1991 elections, the performance was a vindication of its hardline approach to dealing with China. ''It has certainly quelled all our doubts as to whether we enjoy the support of the Hong Kong people,'' Mr. Lee said. The results signaled that ''Hong Kong people love democracy, they love the rule of law, they want their rights preserved.''

Throughout the campaign, China-backed candidates attacked the Democrats and their allies for their inability to enter into a dialogue with Beijing. Meanwhile, the pro-democracy candidates campaigned on their willingness to stand tough against Beijing on issues such as preserving Hong Kong's rule of law. Democrats campaigned hard against a compromise agreement between China and Britain on Hong Kong's future court of final appeal, which they argue will destroy the independence of Hong Kong's judiciary.

China' official Xinhua news agency, reporting on the election, avoided any mention of the Democrats' victory. ''The results of the Hong Kong Legislative Council elections showed that hope for a smooth transition and love of the motherland and Hong Kong remain the main trend in Hong Kong,'' a Xinhua spokesman was quoted as saying. The spokesman nonetheless branded the elections as ''unfair and unreasonable.''

[From the Wall Street Journal, Sept. 19, 1995]

ONE CHINA?

Coming on the heels of all the recent thunder out of China, the Hong Kong elections have a significance reaching far beyond one island. Especially since the anti-Beijing outcome is certain to be repeated in legislative elections in Taiwan in December, it's time for the U.S. and other democracies to review the basics of their China policy.

The ''one China'' policy was originally set out in the famous 1972 Shanghai communique. The U.S. declared that it ''acknowledges that all Chinese on either side of the Taiwan Strait maintain there is but one China and that Taiwan is part of China. The United States government does not challenge that position. It reaffirms its interest in a peaceful settlement of the Taiwan question by the Chinese themselves.'' (In the same communique, China declared ''China will never be a superpower and its opposes hegemony and power politics of any kind.'')

When the U.S. established diplomatic relations with Beijing and suspended them with Taiwan in 1978, the joint communique stated that ''the people of the United States will maintain cultural, commercial and other unofficial relations with the people of Taiwan.'' In a unilateral statement at the same time, the U.S. declared that it ''expects that the Taiwan issue will be settled peacefully by the Chinese themselves.'' These understandings were codified into U.S. law by the Taiwan Relations Act of 1979.

In 1982, when the U.S. agreed to reduce arms sales to Taiwan, President Reagan issued a statement that the policy was based on ''the full expectation that the approach of the Chinese government to the resolution of the Taiwan issue will continue to be peaceful.'' He added, a ''We will not interfere in this matter or prejudice the free choice of, or put pressure on, the people of Taiwan in this matter.''

These are the principles that the U.S. has followed ever since Richard Nixon and Henry Kissinger started the rapprochement with China. They stress above all that reunification should be peaceful. And they include a not-so-tacit premise that reunification is the desire of Chinese people on *both* sides of the Taiwan Strait, a premise that looks increasingly dubious.

To sharpen the point, throughout the history of the ''one China'' policy the United States has studiously avoided any suggestion that it would participate in forcing Taiwan into China against the will of its people. Of course this is precisely what Beijing wants when *it* talks of ''one China'' or ''sovereignty'' or an ''internal matter.'' The course of events is splitting this delicate straddle, and a yes-or-no answer may impend.

This is why China threw a tantrum over the visit to Cornell by Taiwanese President Lee Teng-hui, though to use a college reunion looks like the unofficial relations contemplated by the 1978 communique. The missile tests splashing down north of Taiwan were a clumsy effort to intimidate the electorate there. President Lee has been pushing for more recognition of Taiwan in international organizations such as the World Trade Organization and the International Monetary Fund. The opposition party takes the position that Taiwan already is an independent nation; it holds a third of the parliamentary seats, and expects to gain in December.

China's efforts at intimidation will surely backfire, as they so clearly did in Hong Kong. While branded as ''unpatriotic'' and ''subversive,'' Hong Kong's Democratic Party carried 12 of 20 contested seats, while like-minded independents took four more. Democratic leader Martin Lee got 80% of the votes in his own constituency, the highest margin of any candidate. The main pro-Beijing grouping, the DAB, captured only two seats, while its chairman and vice chairman were trounced in their races. These results confounded the public opinion polls, no doubt because residents did not give truthful answers to callers who might be reporting to Beijing.

It's easy enough to understand why voters in Hong Kong or Taiwan would have doubts about being ruled by the present government of China. It's been prone to lurches such as the Cultural Revolution and the post-Tiananmen crackdown. But at the same time, the current Chinese leadership can rightly feel that it has done much for its people over the past decade, by unleashing the economy and hastening development. In particular, an educated middle class has already started to emerge. The shape of China's transition, internal and external, will be determined by Chinese, but America and the Western World can help or hurt the prospects. With the Cold War over, surely there are few more important diplomatic tasks than incorporating a quarter of mankind into a peaceful and prosperous world system.

What China most of all needs from the world's remaining superpower is a constancy that has been sorely lacking. The world would have been far better off if the Clinton Administration had from the first said it would decide who could visit Ithaca. China did in the end release Harry Wu, after all, and has agreed to negotiate a code of conduct concerning the disputed and possibly oil-rich Spratly Islands. Beijing, that is, is perfectly capable of acting responsibly if someone stands up and asks it to.

The U.S. should be telling the Chinese authorities something like this: That the U.S. intends to maintain its historic ''one China'' policy, wishing the Han people well in efforts to forge one nation, but steadfastly opposing the use of force. That it's unthinkable that the U.S. would try to coerce a democratic Taiwan into an unwilling union, and seeking such an American commitment will be disruptive and counterproductive. That with the incorporation of Hong Kong in 1997, China will have an opportunity to show good faith by keeping its promise of a high degree of autonomy. That bringing Hong Kong to heel, destroying its institutions, is the last policy likely to result in a one China.

AMENDMENTS SUBMITTED

THE FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT FOR FISCAL YEAR 1996

DOLE (AND HELMS) AMENDMENT NO. 2707

Mr. HELMS (for Mr. DOLE for himself and Mr. HELMS) proposed an amendment to the bill (H.R. 1868) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes; as follows:

At the end of the committee amendment, add the following new title:

TITLE VII—CONSOLIDATION AND REINVENTION OF FOREIGN AFFAIRS AGENCIES

SEC. 701. SHORT TITLE.

This title may be cited as the ''Foreign Affairs Reinvention Act of 1995''.

SEC. 702. PURPOSES.

The purposes of this title are—

(1) to reorganize and reinvent the foreign affairs agencies of the United States in order to enhance the formulation, coordination, and implementation of United States foreign policy;

(2) to streamline and consolidate the functions and personnel of the Department of State, the Agency for International Development, the United States Information Agency, and the United States Arms Control and Disarmament Agency in order to eliminate redundancies in the functions and personnel of such agencies;

(3) to assist congressional efforts to balance the Federal budget and reduce the Federal debt;

(4) to strengthen the authority of United States ambassadors over all United States Government personnel and resources located in United States diplomatic missions in order to enhance the ability of the ambassadors to deploy such personnel and resources to the best effect to attain the President's foreign policy objectives;

(5) to encourage United States foreign affairs agencies to maintain a high percentage of the best qualified, most competent United States citizens serving in the United States Government while downsizing significantly

the total number of people employed by such agencies; and

(6) to ensure that all functions of United States diplomacy be subject to recruitment, training, assignment, promotion, and egress based on common standards and procedures while preserving maximum interchange among such functions.

CHAPTER 1—REORGANIZATION OF FOREIGN AFFAIRS AGENCIES

SEC. 711. REORGANIZATION OF THE DEPARTMENT OF STATE AND INDEPENDENT FOREIGN AFFAIRS AGENCIES.

(a) SUBMISSION OF REORGANIZATION PLANS.—

(1) IN GENERAL.—The President is authorized to transmit to the appropriate congressional committees a reorganization plan or plans providing for the streamlining and consolidation of the foreign affairs agencies of the United States in order to carry out the purposes of section 702.

(2) ABOLITION OF AT LEAST TWO OF THE INDEPENDENT FOREIGN AFFAIRS AGENCIES.—The authority of paragraph (1) includes the authority to submit a plan providing for—

(A) the abolition of independent foreign affairs agencies which are described in at least two of the following clauses:

(i) The United States Arms Control and Disarmament Agency;

(ii) The United States Information Agency; and

(iii) The Agency for International Development and the International Development Cooperation Agency (exclusive of any component expressly established by statute); and

(B) the elimination in the duplication of functions and personnel between the Department of State and such other agency or agencies not abolished under subparagraph (A);

(C) the reduction in the aggregate number of positions in the Department of State and the independent foreign affairs agencies abolished pursuant to subparagraph (A) which are classified at each of levels II, III, and IV of the Executive Schedule;

(D) the reorganization and streamlining of the Department of State;

(E) the achievement of a cost savings of at least $3,000,000,000 over 4 years through the consolidation of agencies;

(F) the enhancement of the formulation, coordination, and implementation of policy; and

(G) the maintenance, to the maximum extent possible, of a United States presence abroad within budgetary constraints.

(b) PLAN ELEMENTS.—Each plan under subsection (a), consistent with the provisions of this title, shall—

(1) identify the functions of the independent foreign affairs agency or agencies that will be transferred to the Department of State under the plan, as well as those that will be abolished under the plan;

(2) identify the personnel and positions of the agency or agencies (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred to the Department, separated from service with the agency or agencies, or be eliminated under the plan, and set forth a schedule for such transfers, separations, and terminations;

(3) identify the personnel and positions of the Department (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred within the Department, separated from service with the Department, or eliminated under the plan and set forth a schedule for such transfers, separations, and terminations;

(4) specify the consolidations and reorganization of functions of the Department that will be required under the plan in order to permit the Department to carry out the functions transferred to the Department under the plan;

(5) specify the funds available to the independent foreign affairs agency or agencies that will be transferred to the Department under this title as a result of the implementation of the plan;

(6) specify the proposed allocations within the Department of unexpended funds of the independent foreign affairs agency or agencies;

(7) specify the proposed disposition of the property, facilities, contracts, records, and other assets and liabilities of the independent foreign affairs agency or agencies resulting from the abolition of any such agency and the transfer of the functions of the independent foreign affairs agencies to the Department; and

(8) contain a certification by the Director of the Office of Management and Budget that the Director estimates that the plan will achieve a budgetary cost savings to the Federal Government of at least $3,000,000,000 during the first four years after the plan becomes effective.

(c) LIMITATIONS ON CONTENTS OF PLAN.—(1) Sections 903, 904, and 905 of title 5, United States Code, shall apply to the plan transmitted under subsection (a), except that—

(1) the President may not withdraw a plan prior to the conclusion of the 60-day period of continuous session of Congress following the date on which the plan is submitted; and

(2) the plan may not establish a new agency or other independent entity within the executive branch of Government.

(d) EFFECTIVE DATE OF PLAN.—(1)(A) A plan transmitted under subsection (a) shall become effective on a date which is 60 calendar days of continuous session of Congress after the date on which the plan is transmitted to Congress, unless the Congress enacts a joint resolution, in accordance with subsection (e), disapproving the plan.

(B) Except as otherwise provided in this chapter, any provision of a plan submitted under subsection (a) may take effect later than the date on which the plan becomes effective.

(2) For purposes of paragraph (1)—

(A) continuity of session is broken only by an adjournment of Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

(e) CONGRESSIONAL PRIORITY PROCEDURES.—(1) Except as provided in paragraph (2), sections 908, 910, 911, and 912 of title 5, United States Code, shall apply to the consideration by Congress of a joint resolution described in paragraph (3) that is introduced in a House of Congress.

(2) The following requirements shall apply to actions described in paragraph (1) without regard to chapter 9 of title 5, United States Code:

(A) A referral of joint resolutions under this section may only be made to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(B) The reference in section 908 of such title to reorganization plans transmitted on or before December 31, 1984, shall have no force or effect.

(3) A joint resolution under this section means only a joint resolution of the Congress, the matter after the resolving clause of which is as follows: ''That the Congress disapproves the reorganization plan numbered ___ transmitted to the Congress by the President on ___, 19___'', which plan may include such modifications and revisions as are submitted by the President under section 903(c) of title 5, United States Code. The blank spaces therein are to be filled appropriately.

(4) The provisions of this subsection supersede any other provision of law.

(f) ABOLITION OF INDEPENDENT FOREIGN AFFAIRS AGENCIES.—If the President does not transmit to Congress within six months after the date of enactment of this Act a single reorganization plan meeting the requirements of subsection (a)(2), or does not fully implement a plan so transmitted and made effective under this section, then the United States Arms Control and Disarmament Agency, the United States Information Agency, the Agency for International Development, and the International Development Cooperation Agency (exclusive of components expressly established by statute or reorganization plan) shall be abolished as of March 1, 1997, and the functions of such agencies shall be transferred in accordance with section 712.

(g) DEFINITIONS.—As used in this section—

(1) the term ''foreign affairs agencies'' means the Department of State and the independent foreign affairs agencies; and

(2) the term ''independent foreign affairs agencies'' means such Federal agencies (other than the Department of State) that solely perform functions that are funded under major budget category 150 and includes the United States Arms Control and Disarmament Agency, the United States Information Agency, the Agency for International Development, and the International Development Cooperation Agency.

SEC. 712. TRANSFERS OF FUNCTIONS.

(a) DEPARTMENT OF STATE.—In the event of the abolition of the agencies specified in section 711(f) in accordance with that subsection, there are transferred to, and vested in, the Secretary of State on March 1, 1997, all functions vested by law (including by reorganization plan approved before the date of the enactment of this Act pursuant to chapter 9 of title 5, United States Code) in, or exercised by, the head of each of such agencies, the agencies themselves, or officers, employees, or components thereof, immediately prior to such date, except as otherwise provided in this section.

(b) BROADCASTING BOARD OF GOVERNORS.—There are transferred to, and vested in, a broadcasting board of governors to be established within the Department of State on March 1, 1997, all functions vested by law in, or exercised by, the Broadcasting Board of Governors of the United States Information Agency as of the day before that date.

SEC. 713. VOLUNTARY SEPARATION INCENTIVES.

(a) AUTHORITY TO PAY INCENTIVES.—The head of an agency referred to in subsection (b) may pay voluntary incentive payments to employees of the agency in order to avoid or minimize the need for involuntary separations from the agency as a result of the abolition of the agency and the consolidation of functions of the Department of State under this title.

(b) COVERED AGENCIES.—Subsection (a) applies to the following agencies:

(1) The Department of State.

(2) The United States Arms Control and Disarmament Agency.

(3) The United States Information Agency.

(4) The Agency for International Development.

(c) PAYMENT REQUIREMENTS.—(1) The head of an agency shall pay voluntary separation incentive payments in accordance with the provisions of section 3 of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226; 108 Stat. 111), except that an employee of the agency shall be deemed to be eligible for payment of a voluntary separation incentive payment under that section if the employee separates from service with

the agency during the period beginning on the date of enactment of this Act and ending on February 28, 1997.

(2) The provisions of subsection (d) of such section 3 shall apply to any employee who is paid a voluntary separation incentive payment under this section.

(d) FUNDING.—The payment of voluntary separation incentive payments under this section shall be made from funds in the Foreign Affairs Reorganization Transition Fund established under section 1104. The Secretary of State may transfer sums in that Fund to the head of an agency under subsection (e)(1)(B) of that section for payment of such payments by the agency head.

(e) TERMINATION OF AUTHORITY.—The authority of the head of an agency to authorize payment of voluntary separation incentive payments under this section shall expire on February 28, 1997.

SEC. 714. TRANSITION FUND.

(a) ESTABLISHMENT.—There is hereby established on the books of the Treasury an account to be known as the ''Foreign Affairs Reorganization Transition Fund''.

(b) PURPOSE.—The purpose of the account is to provide funds for the orderly transfer of functions and personnel to the Department of State as a result of the implementation of this title and for payment of other costs associated with the consolidation of foreign affairs agencies under this title.

(c) DEPOSITS.—(1) Subject to paragraphs (2) and (3), there shall be deposited into the account the following:

(A) Funds appropriated to the account pursuant to the authorization of appropriations in subsection (j).

(B) Funds transferred to the account by the Secretary of State from funds that are transferred to the Secretary by the head of an agency under subsection (d).

(C) Funds transferred to the account by the Secretary from funds that are transferred to the Department of State together with the transfer of functions to the Department under this title and that are not required by the Secretary in order to carry out the functions.

(D) Funds transferred to the account by the Secretary from any unobligated funds that are appropriated or otherwise made available to the Department.

(2) The Secretary may transfer funds to the account under subparagraph (C) of paragraph (1) only if the Secretary determines that the amount of funds deposited in the account pursuant to subparagraphs (A) and (B) of that paragraph is inadequate to pay the costs of carrying out this title.

(3) The Secretary may transfer funds to the account under subparagraph (D) of paragraph (1) only if the Secretary determines that the amount of funds deposited in the account pursuant to subparagraphs (A), (B), and (C) of that paragraph is inadequate to pay the costs of carrying out this title.

(d) TRANSFER OF FUNDS TO SECRETARY OF STATE.—The head of a transferor agency shall transfer to the Secretary the amount, if any, of the unobligated funds appropriated or otherwise made available to the agency for functions of the agency that are abolished under this title which funds are not required to carry out the functions of the agency as a result of the abolishment of the functions under this title.

(e) USE OF FUNDS.—(1)(A) Notwithstanding any other provision of law, the Secretary shall use sums in the account for payment of the costs of carrying out this title, including costs relating to the consolidation of functions of the Department of State and relating to the termination of employees of the Department.

(B) The Secretary may transfer sums in the account to the head of an agency to be abolished under this title for payment by the head of the agency of the cost of carrying out a voluntary separation incentive program at the agency under section 713.

(2) Funds in the account shall be available for the payment of costs under paragraph (1) without fiscal year limitation.

(3) Funds in the account may be used only for purposes of paying the costs of carrying out this title.

(f) TREATMENT OF UNOBLIGATED BALANCES.—(1) Subject to paragraph (2), unobligated funds, if any, which remain in the account after the payment of the costs described in subsection (e)(1) shall be transferred to Department of State and shall be available to the Secretary of State for purposes of carrying out the functions of the Department.

(2) The Secretary may not transfer funds in the account to the Department under paragraph (1) unless the appropriate congressional committees are notified in advance of such transfer in accordance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956.

(g) REPORT ON ACCOUNT.—Not later than October 1, 1998, the Secretary of State shall transmit to the appropriate congressional committees a report containing an accounting of—

(1) the expenditures from the account established under this section; and

(2) in the event of any transfer of funds to the Department of State under subsection (f), the functions for which the funds so transferred were expended.

(i) TERMINATION OF AUTHORITY TO USE ACCOUNT.—The Secretary may not obligate funds in the account after September 30, 1999.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 for deposit under subsection (c)(1) into the account established under subsection (a).

SEC. 715. ASSUMPTION OF DUTIES BY APPROPRIATE APPOINTEES.

An individual holding office on the date of the enactment of this Act—

(1) who was appointed to the office by the President, by and with the advice and consent of the Senate;

(2) who is transferred to a new office in the Department of State under this title; and

(3) who performs duties in such new office that are substantially similar to the duties performed by the individual in the office held on such date,

may, in the discretion of the Secretary of State, assume the duties of such new office, and shall not be required to be reappointed by reason of the enactment of this title.

SEC. 716. RIGHTS OF EMPLOYEES OF ABOLISHED AGENCIES.

(a) IN GENERAL.—Except as otherwise provided by this title, the transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for 1 year after the date of transfer of such employee under this title.

(b) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this title, any person who, on the day preceding the date of the abolition of a transferor agency under this title, held a position in such an agency that was compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Department of State to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(c) TERMINATION OF CERTAIN POSITIONS.—Positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred under this title, shall terminate on the date of the transferal of the functions under this title.

(d) EXCEPTED SERVICE.—(1) Subject to paragraph (2), in the case of employees occupying positions in the excepted service or the Senior Executive Service, any appointment authority established pursuant to law or regulations of the Office of Personnel Management for filling such positions shall be transferred.

(2) The Department of State may decline a transfer of authority under paragraph (1) (and the employees appointed pursuant thereto) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policy-making, policy-determining, or policy-advocating character, and noncareer positions in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(e) EMPLOYEE BENEFIT PROGRAMS.—(1) Any employee accepting employment with the Department of State as a result of such transfer may retain for 1 year after the date such transfer occurs membership in any employee benefit program of the transferor agency, including insurance, to which such employee belongs on the date of the enactment of this Act if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Secretary of State.

(2) The difference in the costs between the benefits which would have been provided by such agency or entity and those provided by this section shall be paid by the Secretary of State. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by the Secretary of State, the employee shall be permitted to select an alternate Federal health insurance program within 30 days of such election or notice, without regard to any other regularly scheduled open season.

(f) SENIOR EXECUTIVE SERVICE.—A transferring employee in the Senior Executive Service shall be placed in a comparable position at the Department of State.

(g) ASSIGNMENTS.—(1) Transferring employees shall receive notice of their position assignments not later than the date on which the reorganization plan setting forth the transferal of such employees is transmitted to the appropriate congressional committees under this title.

(2) Foreign Service personnel transferred to the Department of State pursuant to this title shall be eligible for any assignment open to Foreign Service personnel within the Department.

SEC. 717. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.

(a) IN GENERAL.—Except as otherwise provided in this title, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred under this title, subject to section 1531 of title 31, United States Code, shall be transferred to the Department of State.

(b) TREATMENT OF PERSONNEL EMPLOYED IN TERMINATED FUNCTIONS.—The following shall apply with respect to officers and employees of a transferor agency that are not transferred under this title:

(1) Under such regulations as the Office of Personnel Management may prescribe, the head of any agency in the executive branch may appoint in the competitive service any person who is certified by the head of the transferor agency as having served satisfactorily in the transferor agency and who passes such examination as the Office of Personnel Management may prescribe. Any person so appointed shall, upon completion of the prescribed probationary period, acquire a competitive status.

(2) The head of any agency in the executive branch having an established merit system in the excepted service may appoint in such service any person who is certified by the head of the transferor agency as having served satisfactorily in the transferor agency and who passes such examination as the head of such agency in the executive branch may prescribe.

(3) Any appointment under this subsection shall be made within a period of 1 year after completion of the appointee's service in the transferor agency.

(4) Any law, Executive order, or regulation which would disqualify an applicant for appointment in the competitive service or in the excepted service concerned shall also disqualify an applicant for appointment under this subsection.

SEC. 718. PERSONNEL AUTHORITIES FOR TRANSFERRED FUNCTIONS.

(a) APPOINTMENTS.—(1) Subject to paragraph (2), the Secretary of State may appoint and fix the compensation of such officers and employees, including investigators, attorneys, and administrative law judges, as may be necessary to carry out the respective functions transferred to the Department of State under this title. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

(2) A person employed under paragraph (1) may not continue in such employment after the end of the period (as determined by the Secretary) required for the transferal of functions under this title.

(b) EXPERTS AND CONSULTANTS.—The Secretary of State may obtain the services of experts and consultants in connection with functions transferred to the Department of State under this title in accordance with section 3109 of title 5, United States Code, and compensate such experts and consultants for each day (including traveltime) at rates not in excess of the rate of pay for level IV of the Executive Schedule under section 5315 of such title. The head Secretary may pay experts and consultants who are serving away from their homes or regular place of business travel expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of such title for persons in Government service employed intermittently.

SEC. 719. PROPERTY AND FACILITIES.

(a) IN GENERAL.—The Secretary of State shall review the property and facilities of each transferor agency for purposes of determining if the property is required by the Department of State in order to carry out the functions of the Department after the transfer of functions to the Department under this title.

(b) DEADLINE FOR TRANSFER.—Not later than March 1, 1997, all property and facilities within the custody of the transferor agencies shall be transferred to the custody of the Secretary of State.

SEC. 720. DELEGATION AND ASSIGNMENT.

Except where otherwise expressly prohibited by law or otherwise provided by this title, the Secretary of State may delegate any of the functions transferred to the Secretary under this title and any function transferred or granted to the Secretary after the effective date of this title to such officers and employees of the Department of State as the Secretary may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions by the Secretary under this section or under any other provision of this title shall relieve the Secretary of responsibility for the administration of such functions.

SEC. 721. RULES.

The Secretary of State may prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Secretary determines necessary or appropriate to administer and manage the functions of the Department of State after the transfer of functions to the Department under this title.

SEC. 722. INCIDENTAL TRANSFERS.

The Director of the Office of Management and Budget may, at such time or times as the Director shall provide, make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this title. The Director shall provide for the termination of the affairs of all entities terminated by this title and for such further measures and dispositions as may be necessary to effectuate the purposes of this title.

SEC. 723. EFFECT ON CONTRACTS AND GRANTS.

(a) PROHIBITION ON NEW OR EXTENDED CONTRACTS OR GRANTS.—Except as provided in subsection (b), the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development may not—

(1) enter into a contract or agreement which will continue in force after the termination date, if any, of such agency under this title;

(2) extend the term of an existing contract or agreement of such agency to a date after such date; or

(3) make a grant which will continue in force after such date.

(b) EXCEPTION.—Subsection (a) does not apply to the following:

(1) Contracts and agreements for carrying out essential administrative functions.

(2) Contracts and agreements for functions and activities that the Secretary of State determines will be carried out by the Department of State after the termination of the agency concerned under this title.

(3) Grants relating to the functions and activities referred to in paragraph (2).

(c) EVALUATION AND TERMINATION OF EXISTING CONTRACTS.—The Secretary of State and the head of each agency referred to in subsection (a) shall—

(1) review the contracts of such agency that will continue in force after the date, if any, of the abolishment of the agency under this title in order to determine if the cost of abrogating such contracts before that date would be exceed the cost of carrying out the contract according to its terms; and

(2) in the case of each contract so determined, provide for the termination of the contract in the most cost-effective manner practicable.

SEC. 724. SAVINGS PROVISIONS.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this title, and

(2) which are in effect at the time this title takes effect, or were final before the effective date of this title and are to become effective on or after the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary of State or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the transferor agency at the time this title takes effect for that agency, with respect to functions transferred under this title but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) SUITS NOT AFFECTED.—The provisions of this title shall not affect suits commenced before the effective date of this title, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the transferor agency, or by or against any individual in the official capacity of such individual as an officer of the transferor agency, shall abate by reason of the enactment of this title.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the transferor agency relating to a function transferred under this title may be continued by the Secretary of State with the same effect as if this title had not been enacted.

SEC. 725. SEPARABILITY.

If a provision of this title or its application to any person or circumstance is held invalid, neither the remainder of this title nor the application of the provision to other persons or circumstances shall be affected.

SEC. 726. TRANSITION.

The Secretary of State may utilize—

(1) the services of such officers, employees, and other personnel of the transferor agency with respect to functions transferred to the Department of State under this title; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this title.

SEC. 727. ADDITIONAL CONFORMING AMENDMENTS.

The President may submit a report to the appropriate congressional committees containing such recommendations for such additional technical and conforming amendments to the laws of the United States as may be appropriate to reflect the changes made by this title.

SEC. 728. FINAL REPORT.

Not later than October 1, 1998, the President shall provide by written report to the Congress a final accounting of the finances and operations of the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development.

SEC. 729. DEFINITIONS.

For purposes of this chapter, unless otherwise provided or indicated by the context—

(1) the term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives;

(2) the term ''Federal agency'' has the meaning given to the term ''agency'' by section 551(1) of title 5, United States Code;

(3) the term ''function'' means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program;

(4) the term ''office'' includes any office, administration, agency, institute, unit, organizational entity, or component thereof;

(5) the term ''transferee agency'' means—

(A) the Department of State, with respect to functions transferred under section 712(a), or as otherwise specified in a reorganization plan under this title; and

(B) the Broadcasting Board of Governors of the Department of State, with respect to functions transferred under section 712(b); and

(6) the term ''transferor agency'' refers to—

(A) each of the agencies specified in section 711(f), except that in the case of the functions of the Broadcasting Board of Governors, the transferor agency is the Broadcasting Board of Governors within the United States Information Agency; and

(B) Such other agency or instrumentality as may be specified in a reorganization plan under this title.

SEC. 730. LIMITATION ON PERSONNEL STRENGTH OF THE DEPARTMENT OF STATE.

(a) END FISCAL YEAR 1996 LEVELS.—The number of employees of the Department of State (including members of the Foreign Service) who are authorized to be employed as of February 28, 1997, shall not exceed a number which is 9 percent less than the number of such employees who are so employed immediately prior to the date of enactment of this Act.

(b) END FISCAL YEAR 1997 LEVELS.—The number of employees of the Department of State (including members of the Foreign Service) who are authorized to be employed as of September 30, 1997, shall not exceed a number which is 3 percent less than the number of such employees who are authorized to be so employed as of February 28, 1997.

(c) END FISCAL YEAR 1998 LEVELS.—The number of employees of the Department of State (including members of the Foreign Service) who are authorized to be employed as of September 30, 1998, shall not exceed a number which is 2 percent less than the number of such employees who are authorized to be so employed as of September 30, 1997.

CHAPTER 2—COORDINATION OF GOVERNMENT PERSONNEL AT OVERSEAS POSTS

SEC. 741. PROCEDURES FOR COORDINATION OF GOVERNMENT PERSONNEL AT OVERSEAS POSTS.

(a) AMENDMENT OF THE FOREIGN SERVICE ACT OF 1980.—Section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following:

''(c)(1) In carrying out subsection (b), the head of each department, agency, or other entity of the executive branch of Government shall ensure that, in coordination with the Department of State, the approval of the chief of mission to a foreign country is sought on any proposed change in the size, composition, or mandate of employees of the respective department, agency, or entity (other than employees under the command of a United States area military commander) if the employees are performing duties in that country.

''(2) In seeking the approval of the chief of mission under paragraph (1), the head of a department, agency, or other entity of the executive branch of Government shall comply with the procedures set forth in National Security Decision Directive Number 38, as in effect on June 2, 1982, and the implementing guidelines issued thereunder.

''(d) The Secretary of State, in the sole discretion of the Secretary, may accord diplomatic titles, privileges, and immunities to employees of the executive branch of Government who are performing duties in a foreign country.''.

(b) REVIEW OF PROCEDURES FOR COORDINATION.—(1) The President shall conduct a review of the procedures contained in National Security Decision Directive Number 38, as in effect on June 2, 1982, and the practices in implementation of those procedures, to determine whether the procedures and practices have been effective to enhance significantly the coordination among the several departments, agencies, and entities of the executive branch of Government represented in foreign countries.

(2) Not later than 180 days after the date of enactment of this Act, the President shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives a report containing the findings of the review conducted under paragraph (1), together with any recommendations for legislation as the President may determine to be necessary.

BROWN (AND OTHERS) AMENDMENT NO. 2708

Mr. BROWN (for himself, Mr. HARKIN and Ms. MOSELEY-BRAUN) proposed an amendment to the bill H.R. 1868, supra; as follows:

At the end of the committee amendment on page 15, line 17 through page 16, line 24, insert the following:

SEC. . CLARIFICATION OF RESTRICTIONS.

(a) IN GENERAL.—Section 620E of the Foreign Assistance Act of 1961 (22 U.S.C. 2375) is amended—

(1) in subsection (e)—

(A) by striking the words ''No assistance'' and inserting the words ''No military assistance'';

(B) by striking the words ''in which assistance is to be furnished or military equipment or technology'' and inserting the words ''in which military assistance is to be furnished or military equipment or technology''; and

(C) by striking the words ''the proposed United States assistance'' and inserting the words ''the proposed United States military assistance''.

(D) by inserting ''(1)'' immediately after ''(e)''; and

(E) by adding the following new paragraph:

''(2) The prohibitions in this section do not apply to any assistance or transfer provided for the purposes of:

''(A) International narcotics control (including Chapter 8 of Part I of this Act) or any provision of law available for providing assistance for counternarcotics purposes;

''(B) Facilitating military-to-military contact, training (including Chapter 5 of Part II of this Act) and humanitarian and civic assistance projects;

''(C) Peacekeeping and other multilateral operations (including Chapter 6 of Part II of this Act relating to peacekeeping) or any provision of law available for providing assistance for peacekeeping purposes, except that lethal military equipment provided under this subparagraph shall be provided on a lease or loan basis only and shall be returned upon completion of the operation for which it was provided;

''(D) Antiterrorism assistance (including Chapter 8 of Part II of this Act relating to antiterrorism assistance) or any provision of law available for antitorrism assistance purposes;

''(3) The restrictions of this subsection shall continue to apply to contracts for the delivery of F–16 aircraft to Pakistan.

''(4) Notwithstanding the restrictions contained in this subsection, military equipment, technology, or defense services, other than F–16 aircraft, may be transferred to Pakistan pursuant to contracts or cases entered into before October 1, 1990.''; and

(2) by adding at the end the following new subsections—

''(f) STORAGE COSTS.—The President may release the Government of Pakistan of its contractual obligation to pay the United States Government for the storage costs of items purchased prior to October 1, 1990, but not delivered by the United States Government pursuant to subsection (e) and may reimburse the Government of Pakistan for any such amounts paid, on such terms and conditions as the President may prescribe, provided that such payments have no budgetary impact.

''(g) INAPPLICABILITY OF RESTRICTIONS TO PREVIOUSLY OWNED ITEMS.—Section 620E(e) does not apply to broken, worn or unupgraded items or their equivalent which Pakistan paid for and took possession of prior to October 1, 1990 and which the Government of Pakistan sent to the United States for repair or upgrade. Such equipment or its equivalent may be returned to the Government of Pakistan provided that the President determines and so certifies to the appropriate congressional committees that such equipment or equivalent neither constitutes nor has received any significant qualitative upgrade since being transferred to the United States and that its total value does not exceed $25 million.''

''(h) BALLISTIC MISSILE SANCTIONS NOT AFFECTED.—Nothing contained herein shall affect sanctions for transfers of missile equipment or technology required under section 11B of the Export Administration Act of 1979 or section 73 of the Arms Export Control Act.''

D'AMATO (AND OTHERS) AMENDMENT NO. 2709

Mr. D'AMATO (for himself, Mr. PRESSLER, Ms. SNOWE, Mr. SARBANES, and

Mr. KERRY) proposed an amendment to the bill H.R. 1868, supra; as follows:

At the appropriate place in the bill, insert the following:

LIMITATION ON ASSISTANCE TO TURKEY

SEC.____. Not more than $21,000,000 of the funds appropriated in this Act under the heading ''Economic Support Fund'' may be made available to the Government of Turkey.

On page 11, line 10, before the period at the end of the line, insert the following: '': *Provided further,* That $10,000,000 of the funds made available under this heading shall be transferred to, and merged with, the following accounts in the following amounts: $5,000,000 for the Department of the Treasury, and $5,000,000 for the Department of Justice, to support law enforcement training activities in foreign countries for the purpose of improving the effectiveness of the United States in investigating and prosecuting transnational offenses''.

KASSEBAUM (AND OTHERS) AMENDMENT NO. 2710

Mr. MCCONNELL (for Mrs. KASSEBAUM, for herself, Mr. FEINGOLD, and Mr. SIMON) proposed an amendment to the bill H.R. 1868, supra; as follows:

At the appropriate place in the bill, insert the following:

LIBERIA

SEC. ____. (a) The Congress finds that—

(1) the war in Liberia begun in 1989 has devastated that country, with more than 150,000 people killed, 800,000 people forced to flee to other countries, and thousands of children conscripted into the rebel armies;

(2) after nearly six years of conflict, on August 19, 1995, the Liberia factions signed a peace agreement in Abuja, Nigeria; and

(3) the Liberian faction leaders and regional powers appear to be committed to the most recent peace accord, including the installation of the new ruling council.

(b) It is the sense of the Congress that the United States should strongly support the peace process in Liberia, including diplomatic engagement, support for the west Africa peacekeeping force, humanitarian assistance, and assistance for demobilizing troops and for the resettlement of refugees.

(c) Section 1(b)(2) of Public Law 102–270 is amended by striking ''to implement the Yamoussoukro accord''.

REID AMENDMENT NO. 2711

Mr. REID proposed an amendment to the bill H.R. 1868, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . FEDERAL PROHIBITION OF FEMALE GENITAL MUTILATION.

(a) TITLE 18 AMENDMENT.—

(1) IN GENERAL.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 116. Female genital mutilation

''(a) Except as provided in subsection (b), whoever knowingly circumcises, excises, or infibulates the whole or any part of the labia majora or labia minora or clitoris of another person who has not attained the age of 18 years shall be fined under this title or imprisoned not more than 5 years, or both.

''(b) A surgical operation is not a violation of this section if the operation is—

''(1) necessary to the health of the person on whom it is performed, and is performed by a person licensed in the place of its performance as a medical practitioner; or

''(2) performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.

''(c) In applying subsection (b)(1), no account shall be taken of the effect on the person on whom the operation is to be performed of any belief on the part of that or any other person that the operation is required as a matter of custom or ritual.

''(d) Whoever knowingly denies to any person medical care or services or otherwise discriminates against any person in the provision of medical care or services, because—

''(1) that person has undergone female circumcision, excision, or infibulation; or

''(2) that person has requested that female circumcision, excision, or infibulation be performed on any person;

shall be fined under this title or imprisoned not more than one year, or both.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

''116. Female genital mutilation.''.

(b) INFORMATION AND EDUCATION REGARDING FEMALE GENITAL MUTILATION.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall carry out the following activities:

(A) Compile data on the number of females living in the United States who have been subjected to female genital mutilation (whether in the United States or in their countries of origin), including a specification of the number of girls under the age of 18 who have been subjected to such mutilation.

(B) Identify communities in the United States that practice female genital mutilation, and design and carry out outreach activities to educate individuals in the communities on the physical and psychological health effects of such practice. Such outreach activities shall be designed and implemented in collaboration with representatives of the ethnic groups practicing such mutilation and with representatives of organizations with expertise in preventing such practice.

(C) Develop recommendations for the education of students of schools of medicine and osteopathic medicine regarding female genital mutilation and complications arising from such mutilation. Such recommendations shall be disseminated to such schools.

(2) DEFINITION.—For purposes of this subsection, the term ''female genital mutilation'' means the removal or infibulation (or both) of the whole or part of the clitoris, the labia minor, or the labia major.

(c) EFFECTIVE DATES.—

(1) Subsection (b) shall take effect immediately, and the Secretary of Health and Human Services shall commence carrying it out not later than 90 days after the date of the enactment of this Act.

(2) Subsection (a) shall take effect 180 days after the date of the enactment of this Act.

MURKOWSKI (AND OTHERS) AMENDMENT NO. 2712

Mr. MURKOWSKI (for himself, Mr. MCCAIN, Mr. HELMS, and Mr. NICKLES) proposed an amendment to the bill H.R. 1868, supra, as follows:

At the appropriate place insert the following:

AUTHORIZATION FOR IMPLEMENTATION OF THE AGREED FRAMEWORK BETWEEN THE UNITED STATES AND NORTH KOREA

SEC. 575. (a) This section may be cited as the ''Authorization for Implementation of the Agreed Framework Between the United States and North Korea Act''.

(b)(1) The purpose of this section is to set forth requirements, consistent with the Agreed Framework, for the United States implementation of the Agreed Framework.

(2) Nothing in this section requires the United States to take any action which would be inconsistent with any provision of the Agreed Framework.

(c)(1) The United States may not exercise any action under the Agreed Framework that would require the obligation or expenditure of funds except to the extent and in the amounts provided in an Act authorizing appropriations and in an appropriations Act.

(2) No funds may be made available under any provision of law to carry out activities described in the Agreed Framework unless the President determines and certifies to Congress that North Korea is in full compliance with the terms of the Agreed Framework.

(d) None of the funds made available to carry out any program, project, or activity funded under any provision of law may be used to maintain relations with North Korea at the ambassadorial level unless North Korea has satisfied the IAEA safeguards requirement described in subsection (g), the additional requirements set forth in subsection (h), and the nuclear nonproliferation requirements of subsection (i).

(e)(1) The President shall not terminate the economic embargo of North Korea until North Korea has satisfied the IAEA safeguards requirement described in subsection (g), the additional requirements set forth in subsection (h), and the nuclear nonproliferation requirements of subsection (i).

(2) As used in this subsection, the term ''economic embargo of North Korea'' means the regulations of the Department of the Treasury restricting trade with North Korea under section 5(b) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)).

(f)(1) If North Korea does not maintain the freeze of its graphite-moderated nuclear program as defined in the Agreed Framework, or if North Korea diverts heavy oil for purposes not specified in the Agreed Framework, then—

(A) no additional heavy oil may be exported to North Korea if such oil is subject to the jurisdiction of the United States, or is exported by a person subject to the jurisdiction of the United States;

(B) the United States shall immediately cease any direct or indirect support for any exports of heavy oil to North Korea; and

(C) the President shall oppose steps to export heavy oil to North Korea by all other countries in the Korean Peninsula Energy Development Organization.

(2) Whoever violates paragraph (1)(A) having the requisite knowledge described in section 11 of the Export Administration Act of 1979 (50 U.S.C. App. 2410) shall be subject to the same penalties as are provided in that section for violations of that Act.

(g) The requirement of this section is satisfied when the President determines and certifies to the appropriate congressional committees that North Korea is in full compliance with its safeguards agreement with the International Atomic Energy Agency (INFCIRC/403), in accordance with part IV (3) of the Agreed Framework under the timetable set forth therein, as determined by the Agency after—

(1) conducting inspections of the two suspected nuclear waste sites at the Yongbyon nuclear complex; and

(2) conducting such other inspections in North Korea as may be deemed necessary by the Agency.

(h) The additional requirements referred to in subsections (d) and (e) are the following,

as determined and certified by the President to the appropriate congressional committees:

(1) That progress has been made in talks between North Korea and the Republic of Korea, including implementation of confidence-building measures by North Korea as well as other concrete steps to reduce tensions.

(2) That the United States and North Korea have established a process for returning the remains of United States military personnel who are listed as missing in action (MIAs) during the Korean conflict between 1950 and 1953, including field activities conducted jointly by the United States and North Korea.

(3) That North Korea no longer meets the criteria for inclusion on the list maintained by the Secretary of State under section 6(j)(1)(A) of the Export Administration Act of 1979 of countries the governments of which repeatedly provide support for acts of international terrorism.

(4) That North Korea has taken positive steps to demonstrate a greater respect for internationally recognized human rights.

(5) That North Korea has agreed to control equipment and technology in accordance with the criteria and standards set forth in the Missile Technology Control Regime, as defined in section 74(2) of the Arms Export Control Act (22 U.S.C. 2797c).

(i) The nuclear nonproliferation requirements referred to in subsections (d) and (e) are the following, as determined and certified by the President to the appropriate congressional committees and the Committee on Energy and Natural Resources of the Senate:

(1) All spent fuel from the graphite-moderated nuclear reactors of North Korea have been removed from the territory of North Korea as is consistent with the Agreed Framework.

(2) The International Atomic Energy Agency has conducted any and all inspections that it deems necessary to account fully for the stocks of plutonium and other nuclear materials in North Korea, including special inspections of suspected nuclear waste sites, before any nuclear components controlled by the Nuclear Supplier Group Guidelines are delivered for a light water reactor for North Korea.

(3) The dismantlement of all graphite-based nuclear reactors in North Korea, including reprocessing facilities, has been completed in accordance with the Agreed Framework and in a manner that effectively bars in perpetuity any reactivation of such reactors and facilities.

(j) The United States shall suspend actions described in the Agreed Framework if North Korea reloads its existing 5 megawatt nuclear reactor or resumes construction of nuclear facilities other than those permitted to be built under the Agreed Framework.

(k) The President may waive the application of subsection (g), (h), (i), or (j) if the President determines, and so notifies in writing the appropriate congressional committees, that to do so is vital to the security interests of the United States.

(1) Beginning 6 months after the date of enactment of this Act, and every 12 months thereafter, the President shall transmit to the appropriate congressional committees a report setting forth—

(A) an assessment of the extent of compliance by North Korea with all the provisions of the Agreed Framework and this subtitle;

(B) a statement of the progress made on construction of light-water reactors, including a statement of all contributions, direct and indirect, made by any country to the Korean Peninsula Energy Development Organization from the date of signature of the Agreed Framework to the date of the report;

(C) a statement of all contributions, direct or indirect, by any country which is not a member of the Korean Peninsula Energy Development Organization for implementation of the Agreed Framework;

(D) a statement of all expenditures made by the Korean Peninsula Energy Development Organization, either directly or indirectly, for implementation of the Agreed Framework;

(E) an estimate of the date by which North Korea is expected to satisfy the IAEA safeguards requirement described in subsection (g);

(F) a statement whether North Korea is transferring missiles or missile technology to other countries, including those countries that are state sponsors of international terrorism;

(G) a description of any new developments or advances in North Korea's nuclear weapons program;

(H) a statement of the progress made by the United States in fulfilling its actions under the Agreed Framework, including any steps taken toward normalization of relations with North Korea;

(I) a statement of any progress made on dismantlement and destruction of the graphite-moderated nuclear reactors of North Korea and related facilities;

(J) a description of the steps being taken to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula;

(K) an assessment of the participation by North Korea in talks between North Korea and the Republic of Korea; and

(L) a description of any action taken by the President under subsection (f)(1)(B).

(2) To the maximum extent possible, the President should submit the report in unclassified form.

(l) As used in this section:

(1) AGREED FRAMEWORK.—The term ''Agreed Framework'' means the document entitled ''Agreed Framework Between the United States of America and the Democratic People's Republic of Korea'', signed October 21, 1994, at Geneva, and the attached Confidential Minute.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committees on Foreign Relations and Armed Services of the Senate and the Committees on International Relations and National Security of the House of Representatives.

(3) IAEA SAFEGUARDS.—The term ''IAEA safeguards'' means the safeguards set forth in an agreement between a country and the International Atomic Energy Agency, as authorized by Article III(A)(5) of the Statute of the International Atomic Energy Agency.

(4) NORTH KOREA.—The term ''North Korea'' means the Democratic People's Republic of Korea, including any agency or instrumentality thereof.

(5) INSPECTIONS.—The term ''inspections'' means inspections conducted by the International Atomic Energy Agency pursuant to an IAEA safeguards agreement, including special inspection of undeclared information or locations if the IAEA cannot account for nuclear material and is therefore unable to verify that there has been no diversion of nuclear materials.

MACK AMENDMENT NO. 2713

(Ordered to lie on the table.)

Mr. MACK submitted an amendment intended to be proposed by him to the bill H.R. 1868, supra; as follows:

At the appropriate place in the bill, insert the following:

LIMITATION ON INTER-AMERICAN BANK FINANCING FOR BARBADOS

SEC. _____. The Secretary of the Treasury shall instruct the United States executive director of the Inter-American Development Bank hereafter to work in opposition to, and vote against, any extension by the Bank of any loan or other utilization of the resources of the Bank to or for Barbados until the Government of Barbados agrees to enter into mediation to resolve the claim against it by G.W. Martin, Incorporated, of Pompano Beach, Florida, in connection with work performed under a contract for marine construction.

SPECTER (AND HELMS) AMENDMENT NO. 2714

Mr. MCCONNELL (for Mr. SPECTER, for himself and Mr. HELMS) proposed an amendment to the bill H.R. 1868, supra; as follows:

On page 81, line 21, strike ''paragraph'' and insert ''paragraphs.''

On page 81, line 23, after ''enforcement.'' insert the following:

''(6) with respect to assistance provided to reconstitute civilian police authority and capability in the post-conflict restoration of host nation infrastructure for the purposes of supporting a nation emerging from instability, and the provision of professional public safety training, to include training in internationally recognized standards of human rights, the rule of law, anti-corruption, and the promotion of civilian police roles that support democracy.''

MCCONNELL AMENDMENT NO. 2715

Mr. MCCONNELL proposed an amendment to the bill H.R. 1868, supra; as follows:

On page 67, line 11, add the following section:

(b) Direct costs associated with meeting a foreign customer's additional or unique requirements will continue to be allowable under such contracts. Loadings applicable to such direct costs shall be permitted at the same rates applicable to procurement of like items purchased by the Department of Defense for its own use.

MACK AMENDMENT NO. 2716

Mr. MCCONNELL (for Mr. MACK) proposed an amendment to the bill H.R. 1868, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . INDEX OF ECONOMIC FREEDOM.

(a) REPORTING REQUIREMENT.—The President shall include in the congressional presentation materials on United States bilateral economic assistance submitted to the appropriate congressional committees for a fiscal year a report providing a concise overview of the prospects for economic growth on a broad, equitable, and sustainable basis in the countries receiving economic assistance under title II of this Act. For each country, the report shall discuss the laws, policies and practices of that country that most contribute to or detract from the achievement of this kind of growth. The report should address relevant macroeconomic, microeconomic, social, legal, environmental, and political factors and include economic freedom criteria regarding policies wag and price controls, state ownership of production and distribution, state control of financial institutions, trade and foreign investment, capital and profit repatriation, tax and private property protections.

(b) COUNTRIES.—The countries referred to in subsection (a) are countries—

(1) for which in excess a total of $5,000,000 has been obligated during the previous fiscal year for assistance under sections 103 through 106, chapters 10, 11 of party I, and chapter 4 of part II of the Foreign Assistance Act of 1961, and under the support for Eastern Democracy Act of 1989; or

(2) for which in excess of $1,000,000 has been obligated during the previous fiscal year for assistance administered by the Overseas Private Investment Corporation.

(c) CONSULTATION.—The Secretary of State shall submit the report required by subsection (a) in consultation with the Secretary of the Treasury, the Administrator of the Agency for International Development, and the President of the Overseas private Investment Corporation.

STEVENS AMENDMENT NO. 2717

Mr. MCCONNELL (for Mr. STEVENS) proposed an amendment to the bill H.R. 1868, supra; as follows:

Add the following in the appropriate section:

''To the maximum extent possible, the funds provided by this Act shall be used to provide surveying and mapping related services through contracts entered into through competitive bidding to qualified U.S. contractors.''

BINGAMAN AMENDMENT NO. 2718

Mr. MCCONNELL (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 1868, supra; as follows:

At the appropriate place, insert the following:

SEC. . ENERGY SAVINGS AT FEDERAL FACILITIES

(a) REDUCTION IN FACILITIES ENERGY COSTS.—The head of each agency for which funds are made available under this Act shall take all actions necessary to achieve during fiscal year 1996 a 5 percent reduction, from fiscal year 1995 levels, in the energy costs of the facilities used by the agency.

(b) USE OF COST SAVINGS.—An amount equal to the amount of cost savings realized by an agency under subsection (a) shall remain available for obligation through the end of fiscal year 1997, without further authorization or appropriation, as follows:

(1) CONSERVATION MEASURES.—Fifty percent of the amount shall remain available for the implementation of additional energy conservation measures and for water conservation measures at such facilities used by the agency as are designated by the head of the agency.

(2) OTHER PURPOSES.—Fifty percent of the amount shall remain available for use by the agency for such purposes as are designated by the head of the agency, consistent with applicable law.

(c) REPORT.—

(1) IN GENERAL.—Not later than December 31, 1996, the head of each agency described in subsection (a) shall submit a report to Congress specifying the results of the actions taken under subsection (a) and providing any recommendations concerning how to further reduce energy costs and energy consumption in the future.

(2) CONTENTS.—Each report shall—

(A) specify the total energy costs of the facilities used by the agency;

(B) identify the reductions achieved; and

(C) specify the actions that resulted in the reductions.

MACK AMENDMENTS NOS. 2719–2721

Mr. MCCONNELL (for Mr. MACK) proposed three amendments to the bill H.R. 1868, supra; as follows:

AMENDMENT NO. 2719

On page 39, after line 19, insert the following: ''*Provided further,* That not more than twenty-one days prior to the obligation of each such sum, the Secretary shall submit a certification to the Committees on Appropriations that the Bank has not approved any loans to Iran since October 1, 1994, or the President of the United States certifies that withholding of these funds is contrary to the national interest of the United States.''

AMENDMENT NO. 2720

At the appropriate place in the bill, insert the following new section:

SEC. . REPORTS REGARDING HONG KONG.

(a) EXTENSION OF REPORTING REQUIREMENT.—Section 301 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5731) is amended in the text above paragraph (1)—

(1) by inserting ''March 31, 1996,'' after ''March 31, 1995,''; and

(2) by striking ''and March 31, 2000,'' and inserting ''March 31, 2000, and every year thereafter,''.

(b) ADDITIONAL REQUIREMENTS.—In light of deficiencies in reports submitted to the Congress pursuant to section 301 of the United States-Hong Kong Policy Act (22 U.S.C. 5731), the Congress directs that reports required to be submitted under that section on or after the date of enactment of this Act include detailed information on the status of, and other developments affecting, implementation of the Sino-British Joint Declaration on the Question of Hong Kong, including—

(1) the Basic Law and its consistency with the Joint Declaration;

(2) the openness and fairness of elections to the legislature;

(3) the openness and fairness of the election of the chief executive and the executive's accountability to the legislature;

(4) the treatment of political parties;

(5) the independence of the judiciary and its ability to exercise the power of final judgment over Hong Kong law; and

(6) the Bill of Rights.

AMENDMENT NO. 2721

At the appropriate place in the bill, insert the following new section:

SEC. . INDEX OF ECONOMIC FREEDOM.

(a) REPORTING REQUIREMENT.—The President shall include in the congressional presentation materials on United States bilateral economic assistance submitted to the appropriate congressional committees for a fiscal year a report providing a concise overview of the prospects for economic growth on a broad, equitable, and sustainable basis in the countries receiving economic assistance under title II of this Act. For each country, the report shall discuss the laws, policies and practices of that country that most contribute to or detract from the achievement of this kind of growth. The report should address relevant macroeconomic, microeconomic, social, legal, environmental, and political factors and include economic freedom criteria regarding policies wage and price controls, state ownership of production and distribution, state control of financial institutions, trade and foreign investment, capital and profit repatriation, tax and private property protections.

LEAHY (AND OTHERS) AMENDMENT NO. 2722

Mr. MCCONNELL (for Mr. LEAHY, for himself, Mr. DODD, and Mr. SARBANES) proposed an amendment to the bill H.R. 1868, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. ———. HONDURAS.

(a) FINDINGS.—The Congress makes the following findings:

(1) In 1981, a secret Honduran army death squad known as Battalion 316 was created. During the 1980's Battalion 316 engaged in a campaign of systematically kidnapping, torturing and murdering suspected subversives. Victims included Honduran students, teachers, labor leaders and journalists. In 1993 there were reportedly 184 unsolved cases of persons who were allegedly ''disappeared.'' They are presumed dead.

(2) At the time, Administration officials were aware of the activities of Battalion 316, but in its 1983 human rights report the State Department stated that ''There are no political prisoners in Honduras.''

(b) DECLASSIFICATION OF DOCUMENTS.—It is the sense of the Congress that the President should order the expedited declassification of any documents in the possession of the United States Government pertaining to persons who allegedly ''disappeared'' in Honduras, and promptly make such documents available to Honduran authorities who are seeking to determine the fate of these individuals.

SMITH (AND OTHERS) AMENDMENT NO. 2723

Mr. SMITH (for himself, Mr. THOMAS, Ms. SNOWE, Mr. HELMS, and Mr. DOLE) proposed an amendment to the bill H.R. 1868, supra; as follows:

At the end of the Committee amendment, add the following:

PROHIBITION ON FINANCIAL ASSISTANCE TO THE SOCIALIST REPUBLIC OF VIETNAM

SEC. . None of the funds appropriated or otherwise made available by this Act may be used to establish most-favored-nation trading status with the Socialist Republic of Vietnam, or to extend financing or other financial assistance to the Socialist Republic of Vietnam from the Export-Import Bank of the United States, Overseas Private Investment Corporation, or Trade and Development Agency unless the President—

(1) provides Congress with the original case-by-case analytical assessments on unaccounted for American servicemen from the Vietnam Conflict which were completed by the Defense POW/MIA Office in July, 1995; and

(2) certifies to Congress that the Socialist Republic of Vietnam is being fully cooperative and fully forthcoming, on the basis of information available to the United States Government, in the four areas stipulated by the President, namely—

(A) concrete results from efforts by Vietnam to recover and repatriate American remains;

(B) continued resolution of discrepancy cases, live-sightings, and field activities,

(C) further assistance in implementing trilateral investigations with the Lao; and

(D) accelerated efforts to provide all documents that will help lead to the fullest possible accounting of POW/MIAs; and

(3) certifies to Congress, after consultation with the Director of Central Intelligence, that the Socialist Republic of Vietnam is being fully forthcoming in providing the United States with access to those portions of wartime Central Committee-level records and reports that pertain to the subject of Americans captured or held during the Vietnam War by North Vietnamese, Pathet Lao, or Vietcong forces in Vietnam, Laos, and Cambodia; and

(4) certifies to Congress that the Government of the Socialist Republic of Vietnam is making substantial progress to address United States concerns about the continued suppression of the nonviolent pursuit of democratic freedoms by the people of Vietnam, including freedom of expression and association, and the continued imprisonment of political and religious leaders, including American citizens.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources to consider the nominations of Derrick Forrister to be Assistant Secretary for Congressional and Intergovernmental Affairs, Department of Energy; Patricia Beneke to be Assistant Secretary for Water and Science, Department of the Interior; Eluid Martinez to be Commissioner of the Bureau of Reclamation, Department of the Interior; and Charles William Burton to be a member of the Board of Directors of the United States Enrichment Corporation.

The hearing will take place Thursday, September 28, 1995, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Camille Heninger at (202) 224–5070.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, September 20, 1995, to conduct a markup of the Banking Committee's submission to the Budget Committee for reconciliation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, September 20, 1995, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this meeting is to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, September 20, 1995, beginning at 9:30 a.m., in room 485 of the Russell Senate Office Building for a markup of the nomination of Paul M. Homan to be Special Trustee for the Office of Special Trustee for American Indians in the Department of the Interior and to consider the implementation of Title III, Public Law 101–630, the National Indian Forest Resources Management Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, September 20, 1995, at 10:00 a.m. to hold a hearing on ''The Copyright Term Extension Act of 1995, S. 483.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for an Executive Session, during the session of the Senate on Wednesday, September 20, 1995, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Wednesday, September 20, 1995, at 2:30 p.m., in room 428A Russell Senate Office Building, to conduct a hearing focusing on Tax Issues Impacting Small Business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. MCCONNELL. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a markup on pending legislation at 10:00 a.m. on Wednesday, September 20, 1995. The markup will be held in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, September 20, 1995, at 9:30 a.m. to hold an open hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TERRORISM, TECHNOLOGY AND GOVERNMENT INFORMATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Technology and Government Information of the Senate Committee on the Judiciary, be authorized to meet during a session of the Senate on Wednesday, September 20, 1995, at 2 p.m., in the Dirksen Senate Office Building in room G50, on ''Ruby Ridge Incident.''

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE CONROY-RENYE-MCNEIL VFW POST 4422: 50 YEARS OF SERVICE TO THE COMMUNITY OF TAYLOR, MI

● Mr. LEVIN. Mr. President, on Saturday, September 23, 1995, the Conroy-Renye-McNeil VFW Post 4422 in Taylor, MI is holding a special banquet commemorating 50 years of service to the community of Taylor, MI.

VFW Post 4422 was chartered on September 15, 1945 and was named in honor of Army Pvt. Robert Francis Conroy, Marine Buckley Renye and Navy Seaman Robert McNeil. Messrs. Conroy, Renye, and McNeil were the first citizens from Taylor, MI, to lose their lives while bravely serving the United States in World War II.

In honor of these three brave gentlemen from Taylor, MI, and in honor of all of the fine American men and women who served our country in times of war, the members of VFW Post 4422 have dedicated their efforts and resources for the last 50 years to provide community service projects for the Taylor community.

The community service projects that the members of VFW Post 4422 are involved in include: Youth programs, drug awareness programs, Americanism education, programs for senior citizens, programs for needy families and programs for veterans, their families, widows and orphans. The members of post 4422 are also especially proud of their efforts in 1983 when the Post collected and sent 1,500 Christmas gifts to our troops in Beirut.

Mr. President, the members of VFW Post 4422 have not only proudly served our country in military service, but they have continued to serve our country through their commitment to their community. The members of the Conroy-Renye-McNeil VFW Post 4422 deserve the Senate's congratulations as they mark their 50th year of service to the community of Taylor, MI. They also deserve our appreciation and gratitude for all of the good deeds that they have done and continue to do.●

JENNINGS RANDOLPH LAKE PROJECT

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 192, Senate Joint Resolution 20, relating to the Jennings Randolph Lake project; that the resolution be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the joint resolution (S.J. Res. 20) was deemed read the third time and passed, as follows:

S.J. RES. 20

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL CONSENT.

The Congress hereby consents to the Jennings Randolph Lake Project Compact entered into between the States of West Virginia and Maryland which compact is substantially as follows:

"COMPACT

''Whereas the State of Maryland and the State of West Virginia, with the concurrence of the United States Department of the Army, Corps of Engineers, have approved and desire to enter into a compact to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, for which they seek the approval of Congress, and which compact is as follows:

''Whereas the signatory parties hereto desire to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, for which they have a joint responsibility; and they declare as follows:

''1. The Congress, under Public Law 87–874, authorized the development of the Jennings Randolph Lake Project for the North Branch of the Potomac River substantially in accordance with House Document Number 469, 87th Congress, 2nd Session for flood control, water supply, water quality, and recreation; and

''2. Section 4 of the Flood Control Act of 1944 (Ch 665, 58 Stat. 534) provides that the Chief of Engineers, under the supervision of the Secretary of War (now Secretary of the Army), is authorized to construct, maintain and operate public park and recreational facilities in reservoir areas under control of such Secretary for the purpose of boating, swimming, bathing, fishing, and other recreational purposes, so long as the same is not inconsistent with the laws for the protection of fish and wildlife of the State(s) in which such area is situated; and

''3. Pursuant to the authorities cited above, the U.S. Army Engineer District (Baltimore), hereinafter 'District', did construct and now maintains and operates the Jennings Randolph Lake Project; and

''4. The National Environmental Policy Act of 1969 (P.L. 91–190) encourages productive and enjoyable harmony between man and his environment, promotes efforts which will stimulate the health and welfare of man, and encourages cooperation with State and local governments to achieve these ends; and

''5. The Fish and Wildlife Coordination Act (16 U.S.C. 661–666c) provides for the consideration and coordination with other features of water-resource development programs through the effectual and harmonious planning, development, maintenance, and coordination of wildlife conservation and rehabilitation; and

''6. The District has Fisheries and Wildlife Plans as part of the District's project Operational Management Plan; and

''7. In the respective States, the Maryland Department of Natural Resources (hereinafter referred to as 'Maryland DNR') and the West Virginia Division of Natural Resources (hereinafter referred to as 'West Virginia DNR') are responsible for providing a system of control, propagation, management, protection, and regulation of natural resources and boating in Maryland and West Virginia and the enforcement of laws and regulations pertaining to those resources as provided in Annotated Code of Maryland Natural Resources Article and West Virginia Chapter 20, respectively, and the successors thereof; and

''8. The District, the Maryland DNR, and the West Virginia DNR are desirous of conserving, perpetuating and improving fish and wildlife resources and recreational benefits of the Jennings Randolph Lake Project; and

''9. The District and the States of Maryland and West Virginia wish to implement the aforesaid acts and responsibilities through this Compact and they each recognize that consistent enforcement of the natural resources and boating laws and regulations can best be achieved by entering this Compact:

''Now, therefore, be it *Resolved,* That the States of Maryland and West Virginia, with the concurrence of the United States Department of the Army, Corps of Engineers, hereby solemnly covenant and agree with each other, upon enactment of concurrent legislation by The Congress of the United States and by the respective state legislatures, to the Jennings Randolph Lake Project Compact, which consists of this preamble and the articles that follow:

"Article I—Name, Findings, and Purpose

''1.1 This compact shall be known and may be cited as the Jennings Randolph Lake Project Compact.

''1.2 The legislative bodies of the respective signatory parties, with the concurrence of the U.S. Army Corps of Engineers, hereby find and declare:

''1. The water resources and project lands of the Jennings Randolph Lake Project are affected with local, state, regional, and national interest, and the planning, conservation, utilization, protection and management of these resources, under appropriate arrangements for inter-governmental cooperation, are public purposes of the respective signatory parties.

''2. The lands and waters of the Jennings Randolph Lake Project are subject to the sovereign rights and responsibilities of the signatory parties, and it is the purpose of this compact that, notwithstanding any boundary between Maryland and West Virginia that preexisted the creation of Jennings Randolph Lake, the parties will have and exercise concurrent jurisdiction over any lands and waters of the Jennings Randolph Lake Project concerning natural resources and boating laws and regulations in the common interest of the people of the region.

"Article II—District Responsibilities

''The District, within the Jennings Randolph Lake Project,

''2.1 Acknowledges that the Maryland DNR and West Virginia DNR have authorities and responsibilities in the establishment, administration and enforcement of the natural resources and boating laws and regulations applicable to this project, provided that the laws and regulations promulgated by the States support and implement, where applicable, the intent of the Rules and Regulations Governing Public Use of Water Resources Development Projects administered by the Chief of Engineers in Title 36, Chapter RI, Part 327, Code of Federal Regulations,

''2.2 Agrees to practice those forms of resource management as determined jointly by the District, Maryland DNR and West Virginia DNR to be beneficial to natural resources and which will enhance public recreational opportunities compatible with other authorized purposes of the project,

''2.3 Agrees to consult with the Maryland DNR and West Virginia DNR prior to the issuance of any permits for activities or special events which would include, but not necessarily be limited to: fishing tournaments, training exercises, regattas, marine parades, placement of ski ramps, slalom water ski courses and the establishment of private markers and/or lighting. All such permits issued by the District will require the permittee to comply with all State laws and regulations,

''2.4 Agrees to consult with the Maryland DNR and West Virginia DNR regarding any recommendations for regulations affecting natural resources, including, but not limited to, hunting, trapping, fishing or boating at the Jennings Randolph Lake Project which the District believes might be desirable for reasons of public safety, administration of public use and enjoyment,

''2.5 Agrees to consult with the Maryland DNR and West Virginia DNR relative to the marking of the lake with buoys, aids to navigation, regulatory markers and establishing and posting of speed limits, no wake zones, restricted or other control areas and to provide, install and maintain such buoys, aids to navigation and regulatory markers as are necessary for the implementation of the District's Operational Management Plan. All buoys, aids to navigation and regulatory markers to be used shall be marked in conformance with the Uniform State Waterway Marking System,

''2.6 Agrees to allow hunting, trapping, boating and fishing by the public in accordance with the laws and regulations relating to the Jennings Randolph Lake Project,

''2.7 Agrees to provide, install and maintain public ramps, parking areas, courtesy docks, etc., as provided for by the approved Corps of Engineers Master Plan, and

''2.8 Agrees to notify the Maryland DNR and the West Virginia DNR of each reservoir drawdown prior thereto excepting drawdown for the reestablishment of normal lake levels following flood control operations and drawdown resulting from routine water control management operations described in the reservoir regulation manual including releases requested by water supply owners and normal water quality releases. In case of emergency releases or emergency flow curtailments, telephone or oral notification will be provided. The District reserves the right, following issuance of the above notice, to make operational and other tests which may be necessary to insure the safe and efficient operation of the dam, for inspection and maintenance purposes, and for the gathering of water quality data both within the impoundment and in the Potomac River downstream from the dam.

"Article III—State Responsibilities

''The State of Maryland and the State of West Virginia agree:

''3.1 That each State will have and exercise concurrent jurisdiction with the District and the other State for the purpose of enforcing the civil and criminal laws of the respective States pertaining to natural resources and boating laws and regulations over any lands and waters of the Jennings Randolph Lake Project;

''3.2 That existing natural resources and boating laws and regulations already in effect in each State shall remain in force on the Jennings Randolph Lake Project until either State amends, modifies or rescinds its laws and regulations;

''3.3 That the Agreement for Fishing Privileges dated June 24, 1985 between the State of Maryland and the State of West Virginia, as amended, remains in full force and effect;

''3.4 To enforce the natural resources and boating laws and regulations applicable to the Jennings Randolph Lake Project;

''3.5 To supply the District with the name, address and telephone number of the person(s) to be contacted when any

drawdown except those resulting from normal regulation procedures occurs;

''3.6 To inform the Reservoir Manager of all emergencies or unusual activities occurring on the Jennings Randolph Lake Project;

''3.7 To provide training to District employees in order to familiarize them with natural resources and boating laws and regulations as they apply to the Jennings Randolph Lake Project; and

''3.8 To recognize that the District and other Federal Agencies have the right and responsibility to enforce, within the boundaries of the Jennings Randolph Lake Project, all applicable Federal laws, rules and regulations so as to provide the public with safe and healthful recreational opportunities and to provide protection to all federal property within the project.

''Article IV—Mutual Cooperation

''4.1 Pursuant to the aims and purposes of this Compact, the State of Maryland, the State of West Virginia and the District mutually agree that representatives of their natural resource management and enforcement agencies will cooperate to further the purposes of this Compact. This cooperation includes, but is not limited to, the following:

''4.2 Meeting jointly at least once annually, and providing for other meetings as deemed necessary for discussion of matters relating to the management of natural resources and visitor use on lands and waters within the Jennings Randolph Lake Project;

''4.3 Evaluating natural resources and boating, to develop natural resources and boating management plans and to initiate and carry out management programs;

''4.4 Encouraging the dissemination of joint publications, press releases or other public information and the interchange between parties of all pertinent agency policies and objectives for the use and perpetuation of natural resources of the Jennings Randolph Lake Project; and

''4.5 Entering into working arrangements as occasion demands for the use of lands, waters, construction and use of buildings and other facilities at the project.

''Article V—General Provisions

''5.1 Each and every provision of this Compact is subject to the laws of the States of Maryland and West Virginia and the laws of the United States, and the delegated authority in each instance.

''5.2 The enforcement and applicability of natural resources and boating laws and regulations referenced in this Compact shall be limited to the lands and waters of the Jennings Randolph Lake Project, including but not limited to the prevailing reciprocal fishing laws and regulations between the States of Maryland and West Virginia.

''5.3 Nothing in this Compact shall be construed as obligating any party hereto to the expenditure of funds or the future payment of money in excess of appropriations authorized by law.

''5.4 The provisions of this Compact shall be severable, and if any phrase, clause, sentence or provision of the Jennings Randolph Lake Project Compact is declared to be unconstitutional or inapplicable to any signatory party or agency of any party, the constitutionality and applicability of the Compact shall not be otherwise affected as to any provision, party, or agency. It is the legislative intent that the provisions of the Compact be reasonably and liberally construed to effectuate the stated purposes of the Compact.

''5.5 No member of or delegate to Congress, or signatory shall be admitted to any share or part of this Compact, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.

''5.6 When this Compact has been ratified by the legislature of each respective State, when the Governor of West Virginia and the Governor of Maryland have executed this Compact on behalf of their respective States and have caused a verified copy thereof to be filed with the Secretary of State of each respective State, when the Baltimore District of the U.S. Army Corps of Engineers has executed its concurrence with this Compact, and when this Compact has been consented to by the Congress of the United States, then this Compact shall become operative and effective.

''5.7 Either State may, by legislative act, after one year's written notice to the other, withdraw from this Compact. The U.S. Army Corps of Engineers may withdraw its concurrence with this Compact upon one year's written notice from the Baltimore District Engineer to the Governor of each State.

''5.8 This Compact may be amended from time to time. Each proposed amendment shall be presented in resolution form to the Governor of each State and the Baltimore District Engineer of the U.S. Army Corps of Engineers. An amendment to this Compact shall become effective only after it has been ratified by the legislatures of both signatory States and concurred in by the U.S. Army Corps of Engineers, Baltimore District. Amendments shall become effective thirty days after the date of the last concurrence or ratification.''.

SEC. 2. The right to alter, amend or repeal this joint resolution is hereby expressly reserved. The consent granted by this joint resolution shall not be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of the compact.

NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

Mr. BROWN. Mr. President, I ask unanimous consent that the Judiciary Committee be immediately discharged from further consideration of Senate Resolution 147 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 147) designating the weeks beginning September 24, 1995, and September 22, 1996, as ''National Historically Black Colleges and Universities Week'', and for other purposes.

The Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 147) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 147

Whereas there was 103 historically black colleges and universities in the United States;

Whereas black colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history;

Whereas black colleges and universities have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of historically black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved, That the Senate designates the weeks beginning September 24, 1995, and September 22, 1996, as ''National Historically Black Colleges and Universities Week''. The Senate requests the President of the United States to issue a proclamation calling on the people of the United States and interested groups to observe the weeks with appropriate ceremonies, activities, and programs to demonstrate support for historically black colleges and universities in the United States.

CORRECTING ENROLLMENT OF H.R. 402

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Concurrent Resolution 27, submitted earlier today by Senator MURKOWSKI.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 27) correcting the enrollment of H.R. 402.

The Senate proceeded to consider the concurrent resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the concurrent resolution (S. Con. Res. 27) was agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring),

The Clerk of the House is directed to correct the enrollment of H.R. 402 as follows:

Amend section 109 to read:

''SEC. 109. CONFIRMATION OF WOODY ISLAND AS ELIGIBLE NATIVE VILLAGE.

The Native Village of Woody Island, located on Woody Island, Alaska, in the Koniag Region, is hereby confirmed as an eligible Alaska Native Village, pursuant to Section 11(b)(3) of the Alaska Native Claims Settlement Act (''ANCSA''). It is further confirmed that Leisnoi, Inc., is the Village Corporation, as that term is defined in Section 3(j) of ANCSA, for the village of Woody Island. This section shall become effective on October 1, 1998, unless the United States judicial system determines this village was fraudulently established under ANCSA prior to October 1, 1998.''

Mr. BROWN. Mr. President, we really ought to consider the balanced budget amendment, because things are going too well tonight. [Laughter.]

ORDERS FOR THURSDAY, SEPTEMBER 21, 1995

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:15 a.m. on Thursday, September 21, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business until the hour of 10 a.m., with Senators permitted to speak for up to 5 minutes each.

I further ask unanimous consent that at 10 a.m., the Senate then immediately resume consideration of H.R. 1868, the foreign operations appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I further ask unanimous consent that at 10 a.m., the Senate resume the Brown amendment regarding Pakistan under the previous order of 1 hour equally divided, and I ask unanimous consent that the vote occur on the Brown amendment at 11 a.m. on Thursday, September 21, 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWN. Mr. President, for the information of all Senators, the Senate will resume consideration of the foreign operations appropriations bill tomorrow morning. Under the previous order, there will be a rollcall vote at 11 a.m. tomorrow. Additional rollcall votes will occur in relation to the pending appropriations bill throughout Thursday's session of the Senate.

RECESS UNTIL 9:15 A.M. TOMORROW

Mr. BROWN. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 10:51 p.m., recessed until Thursday, September 21, 1995, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate September 20, 1995:

DEPARTMENT OF LABOR

SUSAN ROBINSON KING, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE DOUG ROSS, RESIGNED.

DEPARTMENT OF JUSTICE

JAMES WILLIAM BLAGG, OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF TEXAS FOR THE TERM OF 4 YEARS, VICE RONALD F. EDERER, RESIGNED.